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Title 3—The President

PROCLAMATION 4089

Country Music Month, 1971

By the President of the United States of America

A Proclamation

From 1923, when Fiddlin' John Carson made the first tremendously successful country recording until today when country sounds can be heard on over 700 radio stations, the popularity of country music has been a notable part of our American culture.

Why is country music so popular? Why is the Grand Ole Opry's audience made up of people who have traveled an estimated average of 450 miles one way to be there?

The answer is simple. Country music speaks to what is tried and true for many Americans. It speaks of the common things shared by all: the happiness of a family, the pains of a broken heart, the mercy of God, and the goodness of man.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, ask the people of this Nation to mark the month of October, 1971, with suitable observances as Country Music Month.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of October, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.71-15190 Filed 10-14-71;1:59 pm]

EXECUTIVE ORDER 11627

Further Providing for the Stabilization of the Economy

On August 15, 1971, I issued Executive Order No. 11615 providing for the stabilization of prices, rents, wages, and salaries, for a period of 90 days from the date of that Order. That Order also established the Cost of Living Council and charged it with the primary responsibility for administering the stabilization program, and for recommending to me additional policies and mechanisms to permit an orderly transition from the 90-day general price, rents, wages, and salaries freeze imposed by Executive Order No. 11615 to a more flexible and selective system of economic restraints.

I have received recommendations from the Cost of Living Council, and have determined that the intent of the Economic Stabilization Act of 1970 (P.L. 91–379; 84 Stat. 799), as amended, can more effectively be carried out and the goals I specified in my speech to the Nation on October 7, 1971, can more effectively be achieved, on and after the date of this Order, by substituting this Order for Executive Order No. 11615, as amended. Notwithstanding this substitution, the findings which I made in the preamble of Executive Order No. 11615 of August 15, 1971, are, after careful reconsideration, reaffirmed.

Under this Order, the Cost of Living Council will be continued and will be given broad authority to stabilize prices, rents, wages, and salaries for so long as the Economic Stabilization Act of 1970, as amended, is in effect or until such other time as the President may hereafter prescribe. This, in effect, will result in the establishment of a new economic stabilization program. That program will be carried out through a Pay Board and a Price Commission each of which is newly established by this Order. The Pay Board will be a tripartite organization composed of five representatives of organized labor, five representatives of business, and five representatives of the general public. The Price Commission will be composed of seven members, all from the general public. The President will appoint all members of both the Board and the Commission and will designate the Chairman of each, who will be a full-time official of the United States.

The Cost of Living Council will establish broad stabilization goals for the Nation, and the Pay Board and Price Commission, acting through their respective Chairmen, will prescribe specific standards, criteria, and regulations, and make rulings and decisions aimed at carrying out these goals.

In addition, this Order establishes three new committees to assist the Council, the Pay Board, and the Price Commission in the performance of their functions. They are the Committee on Interest and Dividends, an inter-agency body made up of the heads of various Federal departments and agencies having financial regulatory functions; the Committee on the Health Services Industry; and the Committee on State and Local Government Cooperation.

Finally, this Order modifies Executive Order No. 11588 so as to bring the Construction Industry Stabilization Committee established by that

Order into the framework of the new economic stabilization program established by this Order.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, particularly the Economic Stabilization Act of 1970, as amended, it is hereby ordered as follows:

SECTION 1. (a) The Pay Board and Price Commission established by sections 7 and 8 of this Order, respectively, and the Chairman of each of those bodies, shall, pursuant to goals of the Cost of Living Council, take such steps as may be necessary, and authorized by or pursuant to this Order, to stabilize prices, rents, wages, and salaries. Pending action under this Order, and except as otherwise provided in section 202 of the Economic Stabilization Act of 1970, as amended, prices, rents, wages, and salaries are stabilized effective as of August 16, 1971, at levels not greater than the highest of those pertaining to a substantial volume of actual transactions by each individual, business, firm, or other entity of any kind during the 30-day period ending August 14, 1971, for like or similar commodities or services. If no transactions occurred in that period, the ceiling will be the highest price, rent, salary, or wage in the nearest preceding 30-day period in which transactions did occur. No person shall charge, assess, or receive, directly or indirectly, in any transaction, prices or rents in any form higher than those permitted hereunder, and no person shall, directly or indirectly, pay or agree to pay, in any transaction, wages or salaries in any form, or to use any means to obtain payment of wages and salaries in any form, higher than those permitted hereunder, whether by retroactive increase or otherwise.

(b) Each person engaged in the business of selling or providing commodities or services shall maintain available for public inspection a record of the highest prices or rents charged for such or similar commodities or services during the 30-day period ending August 14, 1971.

(c) The provisions of sections 1 and 2 of this Order shall not apply to the prices charged for raw agricultural products.

SEC. 2. (a) The Cost of Living Council (hereinafter referred to as the Council), established by section 2 of Executive Order No. 11615 of August 15, 1971, is hereby continued and shall continue to act as an agency of the United States.

(b) The Council shall be composed of the following members: The Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Housing and Urban Development, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Director of the Office of Emergency Preparedness, the Special Assistant to the President for Consumer Affairs, and such others as the President may, from time to time, designate. The Secretary of the Treasury shall serve as Chairman of the Council and the Chairman of the Council of Economic Advisers shall serve as Vice Chairman. The Chairman of the Board of

Governors of the Federal Reserve System shall serve as adviser to the Council.

(c) There shall be a Director of the Cost of Living Council who shall be appointed by the President, be a member of the Council, be a full-time official of the United States, and be the Council's chief executive officer.

SEC. 3. (a) Except as otherwise provided herein, there are continued to be delegated to the Council all of the powers conferred upon the President by the Economic Stabilization Act of 1970, as amended.

(b) The Council shall develop and recommend to the President policies, mechanisms and procedures to achieve and maintain stability of prices and costs in a growing economy. To this end it shall consult with representatives of agriculture, industry, labor, State and local governments, consumers and the public, through the National Commission on Productivity and otherwise.

(c) In all of its actions the Council shall be guided by the need to maintain consistency of price and wage policies with fiscal, monetary, international, and other economic policies of the United States.

(d) The Council shall inform the public, agriculture, industry, and labor concerning the need for controlling inflation and shall encourage and promote voluntary action to that end.

SEC. 4. (a) The Council, in carrying out the provisions of this Order, may continue to (i) prescribe definitions for any terms used herein, (ii) make exceptions or grant exemptions, (iii) issue regulations and orders, (iv) provide for the establishment of committees and other comparable groups, and (v) take such other actions as it determines to be necessary and appropriate to carry out the purposes of this Order. More particularly, the Council, working through appropriate delegations to the Chairman of the Pay Board and the Chairman of the Price Commission, may (1) notwithstanding the provisions of subsection (a) of section 1 of this Order, prescribe base periods for determining maximum levels for prices, rents, wages, and salaries other than the base period specified in subsection (a) of section 1 of this Order, and (2) otherwise increase or decrease, subject to section 202 of the Economic Stabilization Act of 1970, as amended, the maximum levels for prices, rents, wages, and salaries prescribed by subsection (a) of section 1 of this Order.

(b) The Council may redelegate to any agency, instrumentality, or official of the United States any authority under this Order, and may, in administering this Order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

(c) On request of the Chairman of the Council, each executive department or agency is authorized and directed, consistent with law, to furnish the Council with any available information which the Council may require in the performance of its functions.

SEC. 5. The Council may require the maintenance of appropriate records or other evidence which are necessary in carrying out the provisions of this Order, and may require any person to maintain and produce

for examination such records or other evidence, in such form as it shall require, concerning prices, rents, wages, and salaries and all related matters. The Council may make such exemptions from any requirement otherwise imposed as are consistent with the purposes of this Order. Any type of record or evidence required under regulations issued under this Order shall be retained for such period as the Council may prescribe.

SEC. 6. The expenses of the Council shall be paid from such funds of the Department of the Treasury or otherwise as may be available therefor.

SEC. 7. (a) There is hereby established a "Pay Board" (hereinafter referred to as the Board).

(b) The Board shall be composed of fifteen members. The members shall be appointed by the President and shall include five labor representatives, five business representatives, and five representatives of the general public. The members of the Board shall serve at the pleasure of the President and the President shall designate one of the members representing the public to serve as Chairman. The Chairman shall serve full time and be an official of the United States. The Chairman shall designate an Executive Director of the Board who shall serve under the direction of the Chairman of the Board and perform such duties as the Chairman may specify.

(c) The Board shall perform such functions with respect to the stabilization of wages and salaries as the Council delegates to the Board. The Chairman of the Board shall perform such functions with respect to the stabilization of wages and salaries as the Council may delegate to him and, in performing those functions, shall exercise such authority, including the development and establishment of criteria for the stabilization of wages and salaries which shall be applied in the administration of this Order, as may be delegated to him by the Council.

SEC. 8. (a) There is hereby established a "Price Commission" (hereinafter referred to as the Commission).

(b) The Commission shall be composed of seven members. The members shall be appointed by the President and shall be representative of the general public. The Members of the Commission shall serve at the pleasure of the President, and the President shall designate one of the members to serve as Chairman. The Chairman shall serve full time and be an official of the United States. The Chairman shall designate an Executive Director of the Commission who shall serve under the direction of the Chairman of the Commission, and perform such duties as the Chairman may specify.

(c) The Commission shall perform such functions with respect to the stabilization of prices and rents as the Council delegates to the Commission. The Chairman of the Commission shall perform such functions with respect to the stabilization of prices and rents as the Council may delegate to him and, in performing these functions, shall exercise such authority, including the development and establishment of criteria for the stabilization of prices and rents which shall be applied

in the administration of this Order, as may be delegated to him by the Council.

SEC. 9. (a) There is hereby established a Committee on Interest and Dividends. The Committee shall be composed of the Chairman of the Board of Governors of the Federal Reserve System, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Chairman of the Federal Deposit Insurance Corporation, the Chairman of the Federal Home Loan Bank Board, and such others as the President may, from time to time, designate. The Chairman of the Board of Governors of the Federal Reserve System shall serve as Chairman of the Committee.

(b) This Committee shall, subject to review by the Council, formulate and execute a program for obtaining voluntary restraints on interest rates and dividends.

SEC. 10. (a) There is hereby established a Committee on the Health Services Industry. This Committee shall be composed of such members as the President may from time to time appoint. The members shall be generally representative of medical professions and related occupations, hospitals, the insurance industry, other supporting industries, consumer interests, and the public. The President shall designate the Chairman of the Committee.

(b) This Committee shall provide advice concerning special considerations that tend to contribute to inflation in the health services industry. This Committee shall also assist the Board and Commission in the performance of their functions by making technical analyses of specific matters referred to it by the Board or Commission.

SEC. 11. (a) There is hereby esablished a Committee on State and Local Government Cooperation. The Committee shall be composed of such representatives of State and local governments and subdivisions thereof, representatives of State and local employees, and such others as the President may, from time to time, appoint. The President shall designate the Chairman of the Committee.

(b) This Committee shall provide advice concerning special considerations involved in the stabilization of prices, rents, wages, and salaries pursuant to this Order as they relate to State and local governments, and subdivisions and employees thereof. This Committee shall also assist the Board and Commission in the performance of their functions by making technical analyses of specific matters referred to it by the Board or Commission.

SEC. 12. Upon request of the Chairman of the Council, Federal departments and agencies shall provide such assistance in carrying out the provisions of this Order as is permitted by law.

SEC. 13. All orders, regulations, circulars, or other directives issued and all other actions taken pursuant to Executive Order No. 11615, as amended, are hereby confirmed and ratified, and shall remain in full

force and effect, as if issued under this Order, unless and until altered, amended, or revoked by the Council or by such competent authority as the Council may specify.

SEC. 14. (a) The Construction Industry Stabilization Committee established by Executive Order No. 11588 of March 29, 1971, and the craft dispute boards authorized by section 2 of that Order, are hereby continued.

(b) The Chairman of the Pay Board, established by section 7 of this Order, shall henceforth perform all functions vested in the Secretary of Labor by Executive Order No. 11588, with respect to (1) the certification of determinations that a proposed wage or salary increase is not acceptable, (2) the approval of rules and regulations issued by the Construction Industry Stabilization Committee, and (3) the issuance of rules and regulations.

(c) Subsection (d) of section 5 and section 6 of Executive Order No. 11588, are hereby revoked.

(d) Subsections (a) and (c) of this section are effective immediately. Subsection (b) of this section shall be effective on the day the Chairman of the Pay Board gives notice that the Pay Board is operational.

SEC. 15. (a) Whoever willfully violates this Order or any order or regulation issued under authority of this Order shall be fined not more than $5,000 for each such violation.

(b) The Council may in its discretion request the Department of Justice to bring actions for injunctions authorized under Section 205 of the Economic Stabilization Act of 1970, as amended, whenever it appears to the Council that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order issued pursuant to this Order.

SEC. 16. Executive Order No. 11615 of August 15, 1971, and Executive Order No. 11617 of September 2, 1971, are hereby superseded.

Richard Nixon

THE WHITE HOUSE,
October 15, 1971.

[FR Doc.71-15254 Filed 10-15-71;12:25 pm]

Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 270—GENERAL INFORMATION AND DEFINITIONS

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

PART 272—PARTICIPATION OF RETAIL FOODSTORES, WHOLESALE FOOD CONCERNS, NONPROFIT MEAL DELIVERY SERVICES, AND BANKS

PART 273—ADMINISTRATIVE AND JUDICIAL REVIEW—FOOD RETAILERS, FOOD WHOLESALERS AND NONPROFIT MEAL DELIVERY SERVICES

PART 274—EMERGENCY FOOD ASSISTANCE FOR VICTIMS OF MAJOR DISASTERS

Food Stamp Program

Notice of proposed rule making and three related notice documents were published in the FEDERAL REGISTER on April 16 and 17, 1971 (36 F.R. 7240–54; 36 F.R. 7273; 36 F.R. 7320–21), setting forth proposed revised regulations and proposed income eligibility standards and basis of coupon issuance for the operation of the Food Stamp Program. This statement summarizes the comments, suggestions, and objections from interested parties and describes the principal changes which were made in the final regulations and related notice documents. Responses to the proposed regulations and three related notice documents were received from a total of 781 interested parties with 3,607 comments.

1. *Eligible Food.* The principal suggestions were as follows:

a. Meals served to elderly or handicapped food stamp recipients in restaurants and in nonprofit central dining facilities should be eligible for purchase with food coupons.

b. Nonfood necessities such as detergents should be eligible.

c. Eligible food should be limited to low-cost, nutritionally sound foods.

The regulations were not changed as suggested since such changes would require legislation.

Comments were also received suggesting changes and clarification in the wording of the eligible foods section. Since the proposed regulations carry the same wording used in the current Food Stamp Regulations which have caused a minimum of difficulty, it was determined that a change was not warranted.

2. *Household.* The majority of comments received on this subject opposed the "related" requirement of the household definition. Other comments wanted to keep the former household definition or allow those households already participating under the current Program to continue participation on the new Program. However, the related household concept is required by the Food Stamp Act, as amended, and the definitions of "household" and "related" were formulated in accordance with the January 1971 amendments to the law.

Some of the comments suggested that godparents be considered related persons. This suggestion was not adopted because any godparents who may fit the related concept are covered by the "in loco parentis" definition or are otherwise related by blood or affinity. So-called "godparents" who do not come within the "related" definition in the regulations do not have a status that we believe can be recognized. In the related definition, the meaning of the terms "affinity" and "in loco parentis" apparently was not clear. Therefore, these terms have been defined in the regulations..

Several comments were received objecting to our failure to provide for a "common-law" marriage relationship in those States which do not legally recognize common-law marriages. In response to these comments, the definition of "related" has been revised to include a man and woman living as man and wife, if they are accepted as married by the community in which they live. This change will include those persons who would be considered married if a common-law relationship were recognized by the State.

3. *Administration.* A few suggestions were received that we should permit other organizations besides the State agency to administer the Food Stamp Program at the local level. One suggestion was that community action groups be allowed to administer the Program. Another recommendation was that the Tribal Council on Indian reservations be recognized as constituting a political subdivision with which the Department could deal directly. A third suggestion was that FNS should administer the Program when either the State agency refuses to administer the Program in a project area or when the Program is being administered improperly. No changes have been made in response to these comments. The Act expressly requires that the State agency must request that the Program be established in a project area (section 4(a) of the Act) and that the State agency must assume responsibility for administering the Program (section 10(b) of the Act).

4. *Program violations.* One comment was received requesting that the regulations specify who has the responsibility for prosecuting persons who have fraudulently obtained food coupons. However, the regulations are intended to refer only to the criminal provisions of the Food Stamp Act for violations of the Act or the regulations. Many States have laws under which violators may be prosecuted. Therefore, depending on the individual circumstances and the laws involved, individuals may sometimes be prosecuted under either Federal or State law.

5. *Dual operation of the Food Stamp Program and the Food Distribution Program.* Several respondents wanted dual operation during the transition period when a Food Distribution Program is being replaced by a Food Stamp Program to extend longer than three months. However, no change has been made in this provision because the transition period is intended merely to effect the orderly transition from one program to the other and it is not designed to be an ongoing program.

6. *Free coupons as income or resources.* A few comments were received which objected to the provision that free coupons cannot be considered as income or resources under any circumstances. This provision is based on section 7(c) of the Food Stamp Act.

7. *Discrimination.* The title has been changed to "Nondiscrimination" to conform with the Departmental rules and regulations, 7 CFR Part 15. The substance has been changed to include issuance as well as certification activities to assure that the issuance of coupons also be handled in a nondiscriminatory manner.

8. *Residency.* We received a few comments which suggested that it should be made clearer that migrants, if otherwise eligible, should not be excluded from the Program because they do not have an intent to maintain residence at any location. Other comments were that we should require an applicant to have a permanent residence. The regulations, consistent with court decisions, provide that no durational residency requirement be established by any State agency.

9. *State agency personnel standards.* One comment suggested that employment standards be established for State agency personnel. The Food Stamp Act, however, provides that the State agency shall undertake the certification of applicant households in accordance with the personnel standards used by them in the certification of applicants for benefits under the federally aided public assistance programs. This provision is followed in the regulations.

10. *Outreach.* The majority of comments received were opposed to State agencies being made responsible for outreach. The view was expressed that the

services of Community Action groups and other organizations should be utilized for outreach.

The regulations, consistent with the Food Stamp Act, provide that State agencies shall undertake effective outreach action with respect to low-income households and shall make use of the services provided by other federally funded agencies and organizations.

The words "with due regard to ethnic groups" were added to encourage the development of bilingual materials.

11. *Notice of adverse action.* Numerous comments were received from State agencies concerning the added workload resulting from the 15-day advance notice requirement and the agency conference. Many comments were also received objecting to issuance of coupons for 15 days to households that had already been determined by the State agency to be ineligible or eligible for participation with lowered benefits.

The procedure in the regulations is based on the procedure developed by the Department of Health, Education, and Welfare after giving consideration to pertinent court decisions.

Although some persons commented that 15 days advance notice was not sufficient, it was determined that this provides ample time for requesting a conference or a hearing.

The regulations were modified to make clear that an agency conference was not a prerequisite for a hearing. The purpose of the agency conference is to provide a means for an informal discussion of agency actions, and for correction of any errors that may have been made, thus reducing the number of cases which must be handled by the hearing process.

Some State agencies expressed concern that coupons issued during the 15-day period would be considered over-issuances. This is not the case because the advance notice requirement actually extends eligibility for this 15-day period time.

12. *Fair hearings.* Many comments were received protesting the added administrative and financial burden being placed on State agencies by this requirement and the complexity of the procedures.

The fair hearing procedures conform closely with those prescribed by the Department of Health, Education, and Welfare for federally aided public assistance programs.

Several comments were made that the 60-day time period in which a final administrative decision must be made was too short and others that it was too long. After considering all comments, 60 days is considered a reasonable period for both State agencies and households.

Many respondents were concerned about the unavailability of State agency funds to pay for the costs of medical experts used in hearings. The regulations have been modified to provide that medically qualified personnel employed by the State agency for making determinations or giving medical testimony in hearing proceedings can be considered as hearing officials for the purpose of FNS contributions to State agency costs under section 15(b) of the Food Stamp Act.

Several persons believed that various terms should be defined. These included "abandoned," "reasonable," "fact," "judgment," and "policy." The differences between "fact and judgment" and "policy" should now be clearer by the change in wording to substitute the Food Stamp Act, Regulations, and Federal procedures for the term "policy." In addition, we have changed the word "dissatisfied" to "aggrieved" as the result of several comments.

Several interested parties contended that benefits should be continued at the rate in effect prior to the Notice of Adverse Action in all cases. No changes were made in present procedures which are consistent with the procedures of the Department of Health, Education, and Welfare and court decisions.

Several interested parties expressed concern about the impartiality of the hearing officials. The regulations were changed to insure that all hearing officials are employed directly by the State and have had no connection with the original local decision.

13. *Credits for lost benefits.* The overwhelming majority of all comments received were opposed to the credits provisions. The reasons given for this opposition were: The credits system would be extremely difficult to administer and State legislation would be required to implement a credit system. The credits provisions have been deleted in their entirety.

14. *Refunds for overpayment of purchase requirements.* A number of respondents suggested that refunds to Program participants who, through administrative error, paid more than the proper purchase requirement for coupons should be reimbursed at the local level, rather than by FNS. We believe that cash refunds by FNS is the proper method of handling this problem.

15. *Public information.* Some State agency representatives contended that providing copies to the public would increase the workload on administrative personnel, increase mailing costs, cause a printing and reproduction burden on the State agency, and would not assure that material given out would be kept up to date. In response to these comments, the responsibility of providing copies to all interested persons of Regulations, Plans of Operation, and Federal procedures has been transferred from the State agency to FNS, with the State agency only maintaining copies for inspection at the State and local level.

16. *Implementation of the regulations.* Several responses were received on this subject. Some thought the 90-day and 270-day implementation periods excessive; others thought them too short. Several suggested that State agencies be allowed to postpone recertification of applicants until their certification periods expire, thus extending the 270 days to 1 year.

Based on these comments, the implementation schedule has been revised. Because public and general assistance households will be eligible without regard to income and resources many of the recertification problems will be alleviated. It was determined that 270 days is a reasonable period for recertification of all households. All plans of operation must be submitted within 60 days of the effective date of the regulations. A provision has been added that the outreach plan must be submitted within 180 days to allow adequate planning time. The regulations have been changed to provide for implementation of the new basis of issuance and eligibility standards within 30 days of the date of approval of the Plan of Operation, and implementation of all other provisions of the regulations within 90 days of the approval date. This timetable should provide adequate implementation time for the State agencies.

17. *Payments for certain costs of the State agency.* Many persons wanted the Federal Government to pay a larger proportion of the costs of operating the Food Stamp Program. However, the availability of matching funds for certain administrative costs is expressly provided for in the Food Stamp Act. The regulations follow the Act in this respect.

18. *Food stamps for delivered meals.* Many comments were received on the provisions for using coupons as payment for meals delivered to eligible recipients.

Several modifications suggested, such as deleting the age limitation or disability requirements, or permitting coupons to be used for meals served in restaurants or boarding houses, are not authorized by the Food Stamp Act. The regulations permit persons eligible for delivered meals and who have cooking facilities to use their coupons either in a retail food store or to pay for delivered meals.

19. *Definition of income.* There were many comments objecting to the inclusion of scholarships, educational grants (including loans on which repayment is deferred until completion of the recipient's education), fellowships, and veterans' educational benefits as income in determining a household's eligibility for the Program. Changes have been made to allow the cost of educational expenses for tuition and mandatory fees, including those paid for by scholarships, grants, loans, fellowships, and veterans' benefits, to be deducted from income in determining eligibility.

Many comments urged expansion of the hardship provision, e.g., allowing all medical expenses and including phone service as a deduction from income. Changes have been made to allow phone service as a utility hardship under the shelter provision. Medical costs exceeding $10 per month per household are allowed as a deduction. This provision was left unchanged because very small changes have a minimal effect on the purchase requirement, and the administrative complexity created by the necessity of computing such small changes

works a hardship on both the State agency and the applicant. The regulations have been changed to allow a deduction of 10 percent of earned income or training allowance, not to exceed $30 per household per month, in recognition of the costs of going to work or taking training. Provisions have also been made in the regulations to permit, as a deduction, payments for the care of a child or other persons when necessary for a household member to accept or continue employment.

The proposed regulations permit the income of a child who is a student and who has not attained his 18th birthday to be disregarded in determining a household's eligibility. A number of comments wanted to raise the age limit to 22 for disregarding earned income of students. The age limit was not increased because such an increase would permit disregarding of income of college students and fully employed household members.

Several comments questioned the meaning of the phrase "if it is to the household's advantage" in the proposed regulations, § 271.3(b) (1) (iv). The regulations were changed to delete this phrase and to provide for (1) the averaging of income to determine eligibility; (2) the averaging evenly or prorating unevenly to determine the basis of issuance for those households deriving their income from farm operations or other self-employment; and (3) the prorating of scholarships, etc., over the period which the money was intended to cover. FNS will issue instructions to further implement these provisions.

20. *Tax dependency.* There were many objections to the tax dependency provision of the regulations. However, this provision is required by the Food Stamp Act. A definition of "dependent" has been added.

21. *Work registration requirement.* Many persons indicated that work registration should not be required. However the Food Stamp Act requires that the Secretary include in the uniform standards of eligibility provisions for work registration and acceptance of suitable employment.

Several respondents were concerned that persons participating in the Work Incentive Program or other Manpower Training Programs would be required to register and accept employment. However, the regulations exempt any students in a recognized school or training program.

A number of comments were received which asked clarification of the treatment to be accorded strikers in determining eligibility. Changes have been made in the regulations to make it clear that persons not working because of a strike or lockout are required to comply with the registration for work requirement, but are not required to work at a plant subject to a strike or lockout.

Several persons objected to the provisions on suitability of employment. Modifications have been made to make it clear that State agencies must determine the suitability of available jobs for work registrants on the basis of the criteria listed. The services of the Department of Labor and Federal and State employment offices will be utilized.

A number of persons felt that a definition of "good cause," in relation to failure of a household member to comply with the work requirement provisions, was needed. However, each case must be judged in the light of all facts and circumstances. A definition could work to the disadvantage of a household by narrowing the area of judgment if unanticipated circumstances arise. Any person aggrieved by a determination may request a hearing under the fair hearing procedures.

It was suggested that the work registration forms required by FNS be furnished by FNS. This form is being developed by FNS at the national level in cooperation with the Department of Labor.

22. *Eligibility determination.* It was suggested that emphasis should be placed on the State agency helping the applicant to prove his eligibility.

The certification process has been simplified in order that applications can, in most instances, be completed by a household member with such assistance from the local certification staff as he may desire.

23. *Certification of public assistance households.* There were a number of comments about the procedure of certification of public assistance households on the basis of their affidavits. It was felt that this document would create unnecessary paperwork. Some persons felt that certification by affidavit should be extended to general assistance households.

The use of an affidavit will not necessitate a separate application process. In most cases, the affidavit will be a part of the public assistance application and may be completed at the time of application for public assistance. Certification by affidavit under the revised regulations includes general assistance households.

24. *Certification of nonassistance households.* A number of letters suggested that self-declaration be extended to nonassistance households. Many felt that certification pending verification should be extended to all households. Questions were raised as to the need to verify income. Some persons felt that quality control and verification of income were inconsistent.

Full self-declaration will not be extended to nonassistance households. Under the new regulations verification of income of such households is required. Verification of other factors will be required only in special circumstances. Because household income has the greatest impact on household eligibility and basis of issuance it is necessary to retain verification of this item. Certification pending verification is made available for households who have the greatest need.

Quality control by a sampling process is designed to detect errors made by recipients or certification workers and to check the validity and effectiveness of the entire certification process.

Several persons suggested that the Application for Participation should be designed by FNS. FNS will provide State agencies with a sample application format. This format may be modified by State agencies subject to FNS approval.

25. *Application processing.* Comments concerning the 30 days allowed as a maximum to process affidavits and Applications for Participation stated that 30 days was either too long, or too short, or acceptable. Suggestions were made that special provisions should be made for migrants. It was decided that 30 days should remain as the allowed maximum and that State agencies could establish shorter time periods for application processing if feasible. It was also decided that no special provisions were necessary for migrants in view of the 60-day certification continuation provision.

Several suggestions were made that the application of the 30-day period should be more clearly defined. Changes resulting from these suggestions have been made in the regulations. The State agency must notify the household of either certification or rejection of an application within not more than 30 days after the State agency receives such application. Households who apply for recertification must be notified of a denial of recertification prior to the end of the certification period.

26. *Certification periods.* Several suggestions were made that certification periods be made as long as possible, with migrants being certified on a 12-month, nationwide basis. Certification periods will be established for that period of time during which changes are not expected to occur. The State agency should certify households for the longest period practicable within the guidelines set forth in the regulations. It is not administratively feasible to establish nationwide certification or to certify migrants on a 12-month basis. However, the 60-day continuing certification provision will remove the necessity of a household having to reapply in order to continue participation when the household moves within the certification period. The 12-month certification provision applies to farmers, other self-employed persons, and certain households with very stable income.

27. *60-day continuation of certification.* Comments on the 60-day continuation provision for migrants were twofold. They were that the continuation did not apply to families moving to or from a food distribution area and that the provision did not allow for changes in income which might occur after a family had moved. The Food Stamp Act provides for such 60-day continuation of certification only in the event of removal of a household to another food stamp area. A household may apply for recertification in the event that its income or other factors change so as to reduce its purchase requirement.

It was suggested that the regulations provide for the prompt issuance of coupons to migrants. The regulations have been changed to provide that State agencies must "promptly" issue coupons to

families participating under a 60-day continuation of certification.

28. *State agency instructions approval.* The major comments made were that State agency instructions and forms should not be required to be submitted to FNS for approval prior to issuance and that, if FNS does not approve or reject them within 30 days, the State agency should be permitted to issue them.

For effective uniform Program administration, it is necessary that all State agency instructions be reviewed by FNS. If FNS does not respond to a request for approval of State agency instructions within 30 days after receipt of such request, the State agency may issue the instructions without FNS approval.

29. *Nonparticipation.* Some persons objected to the provision for dropping households after 3 months of nonparticipation.

The regulations provide that issuance of ATP's be terminated in this event but the certification of the household is not thereby invalidated.

30. *Variable purchase.* Some respondents objected to the variable purchase provision because of the increased issuance costs and others suggested more flexibility for households.

The Food Stamp Act states that the Secretary shall provide a reasonable opportunity for any eligible household to elect to be issued a coupon allotment having a face value less than the face value of the authorized coupon allotment. The variable purchase option issued under this provision increases the flexibility of the Program for participating households without adding unreasonably to State agency administrative costs.

31. *Public assistance withholding and variable purchase.* The proposed regulations permitted public assistance households which elected to pay purchase requirements by deduction from grants to choose a variable purchase option. Many comments objected to giving households both options. The primary objection was the administrative cost and complexity of a combination of such options.

In view of the computerized handling of public assistance grants and the problems and costs incident to variable monthly deductions, the regulations have been revised to provide that, if a household chooses public assistance deduction, the full coupon allotment must be purchased. However, a provision has been added authorizing such a household to return the coupon allotment for a refund of the purchase requirement.

32. *Plans of operation.* Some comments objected to FNS requiring changes in State plans of operation because of Program or interpretation changes after the plans were initially approved. Some persons suggested that plans should contain a fair hearing procedure.

The State plan of operation under the revised regulations will be a relatively brief document under which the State agency agrees to administer the Program in accordance with the regulations and FNS instructions and any other provisions approved by FNS. Fair hearing procedures are spelled out in detail in the regulations as supplemented by instructions to be issued by FNS.

33. *Use of federally donated foods by nonprofit meal delivery services.* A number of persons suggested that authorized nonprofit meal delivery services be allowed to receive and use federally donated foods for their food stamp recipient customers. Adoption of this suggestion would not be permitted under the Food Stamp Act.

34. *Pricing and consumer complaints.* A number of comments suggested that the regulations include specific provisions to prevent price discrimination against, and other exploitation of, food stamp recipients. It was also suggested that specific procedures for the public to follow in registering a complaint with FNS against authorized food retailers be added.

Section 272.2(c) of the regulations prohibits any kind of discrimination against food stamp recipients. The Department investigates all allegations of Program violations by authorized retail foodstores.

35. *Cash change.* It was suggested that authorized retailers be required to use credit slips instead of cash change in amounts up to 49 cents in order to prevent food stamp recipients from making purchases to receive cash change. Sections 271.9(d) and 272.2(e) of the regulations were changed to prohibit transactions made primarily for the purpose of receiving cash change. Further consideration is being given to the cash change provision.

36. *Identification of food stamp recipients.* It was suggested that retailers be required to check the identification card of every food stamp customer to prevent possible trafficking in coupons. In view of the serious impeding of checkout procedures in retail foodstores, to the detriment of stores and their customers, that would result from such a requirement, and since the need for such strict identification requirement has not been shown by previous experience, this suggestion was not adopted.

37. *Issuance and redemption of coupons.* It was suggested that authorized firms be required to deposit coupons instead of receiving cash for them from participating banks to provide an accounting record. Since the current redemption procedures allow the Department to gather information about redemptions necessary to the administration of the Program, the recommendation was not followed. Section 272.5(e) of the regulations was changed in response to the suggestion that the regulations indicate which redemption certificates should be sent to the FNS Field Offices, and which should be sent to the automated redemption certificate processing center.

38. *FSP Notice No. 1971-1.* The principal comments on the proposed maximum monthly allowable income schedule for determining eligibility of households were that: (1) Public assistance households should be automatically eligible for the Program; and (2) the proposed standards for one- and two-person households were too low, thereby eliminating many elderly persons from participating in the Program.

The regulations were modified to provide that households in which all members are included in federally aided public assistance or general assistance grants will be eligible for the Program while receiving such grants without regard to the income and resources of the household members, assuming all other eligibility requirements are met. The eligibility of all other applicant households will be determined on the basis of the maximum allowable income eligibility standards.

The maximum allowable monthly income for one- and two-person households has been increased in accordance with the most recent poverty levels issued by the Census Bureau on May 7, 1971.

The comments received on the proposed basis of issuance tables ranged from continuing the purchase requirements currently in effect, and opposing the proposed purchase requirements because they were too high in the upper range of the scale, to completely eliminating the purchase requirements.

No changes were made in the basis of issuance tables in view of the provisions of the Food Stamp Act and in order to provide for work incentives and maintain consistency with the proposed family assistance program.

Dated: October 12, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-15125 Filed 10-15-71;8:47 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 12]

PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1968-69 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

This amendment is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

The purposes of this amendment are as follows:

1. Section 724.55(b) is amended to eliminate references to insufficient cropland when determining preliminary acreage allotments and tobacco history acreage for old farms. These changes result

from an overall change in policy and conform to changes already made in other regulations.

2. Section 724.57 is repealed, thereby eliminating provisions for reducing a tobacco allotment because of insufficient cropland on the farm. This is a companion amendment to Amendment 1.

3. Section 724.89 is amended by adding paragraph (f) to provide the 1970–71 average market prices and the rates of penalty for the 1971–72 marketing year for various kinds of tobacco.

Section 314 of the Act provides that the penalty rate shall be 75 per centum of the average market price (calculated to the nearest whole cent) for such kind of tobacco for the immediately preceding marketing year.

The first and second amendments drop the previous requirement that insufficient cropland be used as a criteria for temporary reductions in farm acreage allotments. Both amendments have been incorporated in regulations for other commodities. The third amendment incorporates the penalty rates applicable to the 1971 tobacco crops. Determination of penalty rates is a mathematical calculation. All persons need to know these penalty rates as soon as possible.

Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirement of 5 U.S.C. 553 is impracticable, unnecessary, and contrary to the public interest, and this amendment shall become effective upon filing of this document with the Director, Office of the Federal Register.

The regulations in this subpart are amended as follows:

1. Subparagraphs (1), (2), and (3) of paragraph (b) of § 724.55 are revised to read as follows:

§ 724.55 Determination of preliminary acreage allotments and tobacco history acreage for old farms.

* * * * *

(b) *Determination of tobacco history acreage.* * * *

(1) *Farm acreage allotment fully preserved.* The farm acreage allotment is fully preserved as tobacco history acreage for any year if:

(i) (*a*) In such year or either of the two immediately preceding years the sum of (*1*) the final tobacco acreage as determined under Part 718 of this chapter, (2) acreage leased and transferred from the farm, (3) acreage regarded as planted under the conservation programs and conservation practices determined pursuant to Part 719 of this chapter, was as much as 75 percent of the allotment after any reduction for violation. If an erroneous notice of allotment was applicable, the smaller of the correct or the erroneous notice shall be used to determine whether 75 percent planting provision has been met; or (*b*) in such year or either of the 2 immediately preceding years the farm acreage allotment was in the eminent domain pool; or

(ii) The farm consists of federally owned land for which a restrictive lease is in effect prohibiting the production of tobacco. (Federally owned land as used in this paragraph means land owned by the Federal Government or any department, bureau, or agency thereof, or by any corporation all of the stock of which is owned by the Federal Government.)

(2) *Computed history acreage.* If the farm acreage allotment is not fully preserved as tobacco history acreage under subparagraph (1) of this paragraph, the tobacco history acreage shall be the sum of the acreages (not to exceed the farm acreage allotment) as follows:

(i) Final tobacco acreage.

(ii) Acreage regarded as planted under the conservation programs and conservation practices determined pursuant to Part 719 of this chapter.

(iii) Acreage leased and transferred from the farm.

(iv) Acreage reduced for violation of the regulations in this part.

(3) *Adjustment of tobacco history acreage for abnormal weather or disease.* If the county committee determines (with the approval of a representative of the State committee) that for any year the sum of the final tobacco acreage, any acreage transferred from the farm, and the acreage regarded as planted to tobacco under the conservation programs and conservation practices, is less than 75 percent of the allotment (after any reduction for violation) because of abnormal weather or disease, the tobacco history acreage for such year shall be adjusted to become the smaller of (i) the allotment (prior to any reduction for violation), or (ii) the sum of the final tobacco acreage for the farm, the additional acreage which the county committee determines (with the approval of a representative of the State committee) would have been included in the final acreage except for abnormal weather or disease, any acreage leased and transferred from the farm, the acreage regarded as planted to tobacco under the conservation programs and conservation practices, and the amount of any reduction for violation. Any adjustment in tobacco history acreages because of abnormal weather or disease shall not be considered as acreage devoted to tobacco in determining weather or not 75 percent of the allotment is planted. No adjustment for abnormal weather or disease shall be made unless the farm operator requests such an adjustment in writing to the county committee no later than September 1 of the crop year involved.

* * * * *

§ 724.57 [Revoked]

2. Section 724.57 *Reduction in farm allotment because of cropland limitation,* is hereby repealed.

3. Section 724.89 is amended by adding paragraph (f) to read as follows:

§ 724.89 Rate of penalty.

* * * * *

(f) (1) *1970–71 average market price.* The average market price for the kinds of tobacco listed below as determined by the Crop Reporting Board, Statistical Reporting Service, U.S. Department of Agriculture, for the 1970–71 marketing year was:

AVERAGE MARKET PRICE

Kinds of tobacco	Cents per pound
Fire-cured (Type 21)	52.0
Fire-cured (Types 22, 23, 24)	54.4
Dark air-cured	46.0
Virginia sun-cured	53.8
Cigar-filler and Binder (Types 42, 43, 44, 53, 54, and 55)	48.9
Cigar-binder (Types 51 and 52)	63.5

(2) *1971–72 rate of penalty per pound.* The penalty rate per pound for the kinds of tobacco listed below upon marketings of excess tobacco subject to marketing quotas during the 1971–72 marketing year shall be:

RATE OF PENALTY

Kinds of tobacco	Cents per pound
Fire-cured (Type 21)	39
Fire-cured (Type 22, 23, 24)	41
Dark air-cured	34
Virginia sun-cured	40
Cigar-filler and Binder (Types 42, 43, 44, 53, 54, and 55)	37
Cigar-binder (Types 51 and 52)	[1]

[1] Quotas terminated for 1971 crop.

(Secs. 313, 314, 375, 52 Stat. 47, as amended, 48, as amended, 66 as amended; 7 U.S.C. 1313, 1314, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on September 30, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-15122 Filed 10-15-71;8:47 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 503]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.803 Lemon Regulation 503.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 12, 1971.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period October 17, 1971, through October 23, 1971, is hereby fixed at 181,300 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 14, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–15177 Filed 10–15–71;8:50 am]

[Grapefruit Reg. 48]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.348 Grapefruit Regulation 48.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 13, 1971.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period October 18, 1971, through October 24, 1971, is hereby fixed at 287,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 14, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–15217 Filed 10–15–71;8:50 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Desirable Free Tonnage for Natural Thompson Seedless Raisins for 1971–72 Crop Year

Notice was published in the September 24, 1971, issue of the FEDERAL REGISTER (36 F.R. 18958) regarding a proposal to change the desirable free tonnage for natural Thompson Seedless raisins from 140,000 tons, as specified in § 989.54(a), to 131,250 tons. Interested persons were afforded an opportunity to submit written data, views, or arguments with respect to the proposal. No comments were received within the period prescribed therefor.

The proposal was based on a recommendation of the Raisin Administrative Committee and other available information. The Committee is established under, and its recommendations are made in accordance with, the provisions of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, referred to herein collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

The Committee has estimated trade demand for natural Thompson Seedless raisins in free tonnage markets for the current 1971–72 crop year to be 131,750 tons, and has estimated the desirable carryout of such raisins at the end of the current crop year for shipment early in the 1972–73 crop year to be 20,000 tons, or a total requirement for such raisins of 151,750 tons. The carryout of natural Thompson Seedless raisins on August 31, 1971, was reported to be 20,395 tons. Deducting such carryout from the estimated total requirements for natural Thompson Seedless raisins of 151,750 tons, when rounded to the nearest 250 tons, results in 131,250 tons.

Shipments of free tonnage natural Thompson Seedless raisins for the 1970–71 crop year were 130,122 tons and for the 1969–70 crop year were 130,678 tons. Hence, a desirable free tonnage of 131,250 tons for natural Thompson Seedless raisins for the 1971–72 crop year would provide an adequate quantity of such raisins for that year.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation of the Committee, and other available information, it is found that changing the desirable free tonnage for natural Thompson Seedless raisins, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, § 989.222 is revised to read as follows:

§ 989.222 Desirable free tonnage.

The desirable free tonnage for natural Thompson Seedless raisins of 140,000 tons, as specified in § 989.54(a), is changed to 131,250 tons for the 1971–72 crop year.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The desirable free tonnage for natural Thompson Seedless raisins is for a crop year and the current crop year began September 1, 1971; (2) the desirable free tonnage in the changed amount of 131,250 tons for such raisins should be made effective promptly for consideration in the designation of a preliminary free tonnage percentage which will release, as provided by the order, not less than 65 percent of the desirable free tonnage and it is expected that such designation will be made soon; (3) handlers should be apprised of the desirable free tonnage as soon as practicable to enable them to plan their operations accordingly; (4) handlers require no advance notice to comply with this action; and (5) no useful purpose would be served by postponing the effective time hereof.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 12, 1971.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–15124 Filed 10–15–71;8:47 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

§ 103.2 [Amended]

1. The last sentence of subparagraph (2) *Inspection of evidence* of paragraph (b) *Evidence* of § 103.2 *Applications, petitions, and other documents* is deleted and the following two sentences are inserted in lieu thereof: "In exercising discretionary power when considering an application or petition, the district director or the officer in charge, in any case in which he is authorized to make the decision, may consider and base his decision upon information not contained in the record and not made available for inspection by the applicant or petitioner, provided the regional commissioner has determined that such information is classified under Executive Order No. 10501 of November 5, 1953 (18 F.R. 7049, November 10, 1953), as amended, that it is relevant to the disposition of the case and, in his discretion, has concluded that its disclosure would be prejudicial to the national security and safety. If the decision of the district director or officer in charge is based in whole or in part upon information not contained in the record, the decision shall so state and cite the authority therefor."

§ 103.9 [Amended]

2. The second sentence of paragraph (e) *Public reading rooms* of § 103.9 *Availability of decisions and interpretative material* is amended to read as follows: "Additional materials will be made available in the public reading rooms, including the immigration and nationality laws, title 8 of the United States Code Annotated, Title 8 of the Code of Federal Regulations—Chapter I, a complete set of the forms listed in Parts 299 and 499 of this chapter, and the Department of State Foreign Affairs Manual, Volume 9—Visas."

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Subparagraph (4) of paragraph (e) of § 204.2 is amended by inserting the following sentence between the subtitle and the existing first sentence thereof to read as follows:

§ 204.2 Documents.

* * * * *

(e) *Evidence of eligibility for third- or sixth-preference classification.* * * *

(4) *Certification under section 212 (a) (14).* No third- or sixth-preference petition shall be approvable unless it is supported by a valid labor certification issued under section 212(a)(14) of the Act. * * *

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

§ 242.17 [Amended]

The last sentence of paragraph (a) *Creation of the status of an alien lawfully admitted for permanent residence* of § 242.17 *Ancillary matters, applications* is deleted and the following two sentences are inserted in lieu thereof: "In exercising discretionary power when considering an application under this paragraph, the special inquiry officer may consider and base his decision upon information not contained in the record and not made available for inspection by the respondent, provided the Commissioner has determined that such information is classified under Executive Order No. 10501 of November 5, 1953 (18 F.R. 7049, November 10, 1953), as amended, that it is relevant to the disposition of the case and, in his discretion, has concluded that its disclosure would be prejudicial to the national security and safety. If the decision of the special inquiry officer is based in whole or in part upon information not contained in the record, the decision shall so state and cite the authority therefor."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (10–16–71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 103.2(b)(2) and 242.17(a) relate to agency procedure; the amendment to § 103.9(e) confers a benefit on persons affected thereby; and the amendment to § 204.2(e)(4) is clarifying in nature.

Dated: October 12, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71–15120 Filed 10–15–71;8:47 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter III—Economic Development Administration, Department of Commerce

PART 305—GRANTS, LOANS, AND GUARANTEES

Supplementary Grants to Indian Tribes and Related Indian Organizations

Part 305 of Chapter III, title 13 of the Code of Federal Regulations (31 F.R. 11296, 31 F.R. 16677, and 33 F.R. 6854), is amended to provide for fifty percent (50%) supplemental grants and waiver of the non-Federal share of grants to Indian Tribes and related Indian organizations and eliminate references to the regional commissions under section 101(c) of the Public Works and Economic Development Act of 1965, as amended.

1. Section 305.4 is amended by revising subparagraph (b)(1)(ii), as follows:

(ii) In the case of projects of Indian Tribes or related Indian organizations which are concerned with general economic development such facilities shall be given special consideration, and the Assistant Secretary may reduce the non-Federal share under the circumstances or may waive the non-Federal share.

2. Section 305.4(b)(2)(ii) is deleted in its entirety.

3. Section 305.4(c) is deleted in its entirety.

This revision shall become effective on the date of its publication in the FEDERAL REGISTER (10–16–71).

Dated: September 23, 1971.

ROBERT A. PODESTA,
Assistant Secretary for Economic Development.

[FR Doc.71–15107 Filed 10–15–71;8:46 am]

PART 305—GRANTS, LOANS, AND GUARANTEES

Supplementary Grants to Indian Tribes and Related Indian Organizations

Part 305 of Chapter III, Title 13 of the Code of Federal Regulations (31 F.R. 11296, 31 F.R. 16677, and 33 F.R. 6854) is amended to provide for fifty percent (50%) supplemental grants and waiver of the non-Federal share of grants to States or Political Subdivisions projects located in Special Impact Areas under section 401(6)(a) and in section 101(c) of the Public Works and Economic Development Act of 1965, as amended.

1. Section 305.4 is amended by revising paragraph (b)(3) as follows:

Areas with	Maximum grant (percent)
A. Applicant Indian Tribes and related Indian organizations	100
B. Median family income of $1,600 or below, or annual unemployment rate of 12 percent or higher	80
C. Median family income of $1,601–$1,800, or annual average unemployment rate of 10–11.9 percent	70
D. Median family income of $1,801–$2,000, or annual average unemployment rate of 8–9.9 percent	60
E. Special Impact Areas designated under section 401(6)(a) of the Act	80
F. Applicant State or Political Subdivision, thereof, which has demonstrated that it has exhausted the effective taxing and borrowing capacity, which projects are located in Special Impact Area designated under section 401(6)(a) of the Act	100
G. All other areas	50

This revision shall become effective on the date of its publication in the FEDERAL REGISTER (10–16–71).

Dated: September 28, 1971.

CHARLES A. FAGAN III,
Acting Assistant Secretary for Economic Development.

[FR Doc.71–15106 Filed 10–15–71;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71–CE–3–AD; Amdt. 39–1321]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 99 Series Airplanes

Amendment 39–1170 (36 F.R. 4753), AD 71–6–1, adopted on March 3, 1971, as amended by amendment 39–1222 (36 F.R. 10779), adopted on May 24, 1971, is an Airworthiness Directive made applicable to Beech 99 series airplanes. Paragraph E of AD 71–6–1, as amended, requires repetitive inspection and testing of the electrical power distribution system in these series airplanes for undetected failure of isolation diodes located on the dual electrical busses in accordance with Beechcraft Service Instructions 0348–351. This Service Instruction consists of two parts. The first portion refers to a one time inspection to assure proper wiring of the electrical system. Part 2 covers the repetitive diode inspection (500-hour intervals).

Subsequent to the issuance of the AD the Agency agreed with the manufacturer that if it would revise its service manual to include the diode inspection, we would amend paragraph E of the AD to remove the requirement of the repetitive 500-hour inspection and test of the electrical power distribution system. The manufacturer so revised its service manual as of July 1, 1971, by adding amendment No. 99–590015B/12. Accordingly, paragraph E of AD 71–6–1 is being changed to reflect this agreement.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, amendment 39–1170 (36 F.R. 4753), as amended by amendment 39–1222 (36 F.R. 10779), AD 71–6–1, is further amended by changing paragraph E so that it now reads as follows:

(E) On Models 99 and 99A (Serial Numbers U–1 through U–136) airplanes within the next 100 hours' time-in-service after the effective date of this AD (March 16, 1971), inspect and test the electrical power distribution system in accordance with Beechcraft Service Instruction 0348–351 or later FAA approved revision, or by any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, Kansas City, Mo.

This amendment becomes effective October 19, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on October 7, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71–15115 Filed 10–15–71;8:46 am]

[Docket No. 8565; Amdt. 39–1322]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Dowty Rotol Propellers

Dowty Rotol Propellers (c)R.245/4–40–4.5/13 installed on Convair Model 600 (240D), Model 640 (340D), (c)R.259/4–40–4.5/17 installed on Convair Model 640 (440D), and (c)R.209/4–40–4.5/2 installed on Nihon YS–11 airplanes.

Amendment 39–521 (32 F.R. 17516), AD 67–32–2, requires, in part, inspection of the locking of the blade groups in the hub groups for separation of the red line markings across the bearing center race and the hub, and replacement of propellers with a separation exceeding 0.050 of an inch, and inspection of the four lockpieces located on the rear of the cylinder in accordance with Dowty Rotal Service Bulletin 61–581, dated September 1967, on Dowty Rotol Propellers (c)R.245/4–40–4.5/13 installed on Convair Models 600 (240D) and 640 (340D), and (c)R.209/4–40–4.5/2 and (c)R.208/4–40–4.5/1 installed on Nihon YS–11 airplanes. After issuing amendment 39–521, due to service experience, the FAA has determined that it will not adversely affect safety to allow a separation of the red line markings across the bearing center race and the hub not exceeding 0.100 of an inch before requiring replacement of the propeller. In addition, the FAA has determined that Dowty Rotol Service Bulletin 61–581, Revision 2, dated August 5, 1971, clarifies the applicability of the inspection requirements of the AD to all lockpieces located on the rear of the cylinder, and also eliminates the need for reference to propellers, P/N (c)R.208/4–40–4.5/1, which are nonexistent. Therefore, the AD is being amended to permit 0.100 of an inch separation of the red line markings across the bearing center race and the hub before replacement of the propeller is required, to require inspections in accordance with Revision 2, dated August 5, 1971, of Dowty Rotol Service Bulletin 61–581, and to delete reference to propellers, P/N (c)R.208/4–40–4.5/1, from the applicability statement.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–521 (32 F.R. 17516), AD 67–32–2, is amended as follows:

1. By striking out the words "and (c)R.208/4–40–4.5/1" from the applicability statement.

2. By striking out the words "dated September 1967, or later ARB-approved issue" from paragraph (a) and inserting the words "Revision 2, dated August 5, 1971" in place thereof.

3. By striking out the number "0.050" from paragraph (b) and inserting the number "0.100" in place thereof.

This amendment becomes effective October 21, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 6, 1971.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[FR Doc.71–15117 Filed 10–15–71;8:46 am]

[Airspace Docket No. 71-AL-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition areas at Gustavus and Juneau, Alaska.

This action is based on a requirement to adjust certain controlled airspace boundaries resulting from the consolidation of the Gustavus RR with the Gustavus RBN and the relocation of the Gustavus RBN. The Gustavus, Alaska, and Juneau, Alaska, transition areas are partially described with reference to the Gustavus RR. The Federal Aviation Administration is relocating the Gustavus RBN to latitude 58°25'29"N., longitude 135°42'10" W.

Since the proposed designation of the Gustavus, Alaska, and Juneau, Alaska, transition areas will be minor in nature, notice and public procedures are impracticable and unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 11, 1971, as hereinafter set forth.

1. In § 71.181 (36 F.R. 2140) Gustavus, Alaska, transition area is amended by substituting "RBN" for "RR" wherever it appears.

2. In § 71.181 (36 F.R. 2140) Juneau, Alaska, transition area is amended by substituting "Gustavus, Alaska, RBN" for "Gustavus, Alaska, RR" wherever it appears.

Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on October 5, 1971.

QUENTIN S. TAYLOR,
Acting Director, Alaskan Region.

[FR Doc.71-15116 Filed 10-15-71;8:46 am]

[Docket No. 11447; Amdt. No. 778]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets for the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the rules docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC, 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.11 is amended by establishing, revising, or cancelling the following L/MF-ADF(NDB)-VOR SIAP's, effective November 11, 1971.

Long Beach, Calif.—Long Beach (Daugherty Field) Airport; NDB (ADF)-1, Amdt. 21; Canceled.
Long Beach, Calif.—Long Beach (Daugherty Field) Airport; VOR-1, Amdt. 7; Canceled.

2. Section 97.17 is amended by establishing, revising, or canceling the following ILS SIAP's, effective November 11, 1971.

Long Beach, Calif.—Long Beach (Daugherty Field) Airport; ILS-12 (BC), Amdt. 3; Canceled.

3. Section 97.21 is amended by establishing, revising, or canceling the following L/MF SIAP's, effective November 11, 1971.

Summit, Alaska—Summit Airport; LFR-A, Amdt. 7; Revised.

4. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective November 11, 1971.

Alpena, Mich.—Phelps-Collins Airport; VOR Runway 12, Amdt. 2; Revised.
Alpena, Mich.—Phelps-Collins Airport; VOR Runway 18, Amdt. 2; Revised.
Alpena, Mich.—Phelps-Collins Airport; VOR Runway 36, Amdt. 3; Revised.
Beaumont-Port Arthur, Tex.—Jefferson County Airport; VOR-B, Amdt. 2; Revised.
Chadron, Nebr.—Chadron Municipal Airport; VOR Runway 20, Amdt. 1; Revised.
Cotulla, Tex.—Cotulla Municipal Airport; VOR-A, Amdt. 8; Revised.
Dalhart, Tex.—Dalhart Municipal Airport; VOR Runway 17, Amdt. 9; Revised.
Fort Wayne, Ind.—Municipal (Baer Feld) Airport; VOR Runway 22, Amdt. 2; Revised.
Galesburg, Ill.—Galesburg Municipal Airport; VOR Runway 20, Amdt. 4; Revised.
Hobbs, N. Mex.—Crossroads Intercontinental Airport; VOR-A, Amdt. 1; Revised.
Janesville, Wis.—Rock County Airport; VOR Runway 4, Amdt. 14; Revised.
Liberal, Kans.—Liberal Municipal Airport; VOR Runway 17, Amdt. 2; Revised.
Long Beach, Calif.—Long Beach (Daugherty Field) Airport; VOR Runway 30, Original; Established.
Manhattan, Kans.—Manhattan Municipal Airport; VOR Runway 3, Amdt. 6; Revised.
Manhattan, Kans.—Manhattan Municipal Airport; VOR Runway 31, Amdt. 3; Revised.
Norfolk, Nebr.—Karl Stefan Memorial Airport; VOR Runway 1, Amdt. 1; Revised.
Norfolk, Nebr.—Karl Stefan Memorial Airport; VOR Runway 13, Amdt. 1; Revised.
Norfolk, Nebr.—Karl Stefan Memorial Airport; VOR Runway 31, Amdt. 5; Revised.
Quincy, Ill.—Quincy Municipal/Baldwin Field; VOR Runway 3, Amdt. 6; Revised.
Rialto, Calif.—Rialto Municipal (Miro Field); VOR-A, Original; Established.
Rialto, Calif.—Rialto Municipal (Miro Field); VOR-1, Amdt. 1; Canceled.
St. Louis, Mo.—St. Louis/Creve Coeur/Arrowhead Airport; VOR Runway 2, Amdt. 1; Revised.
Seattle, Wash.—Seattle Tacoma Int'l Airport; VOR Runway 34L/R, Amdt. 2; Revised.
Toughkenamon, Pa.—The New Garden Flying Field; VOR Runway 24, Amdt. 1; Revised.
Tracy, Calif.—Tracy Municipal Airport; VOR-A, Original; Established.
Ahoskie, N.C.—Tri-County Airport; VOR/DME-A, Original; Established.
Beeville, Tex.—Municipal Airport; VOR/DME Runway 12, Original; Established.
Buffalo, Wyo.—Buffalo Municipal Airport; VOR/DME Runway 30, Amdt. 1; Revised.
Canton, Ill.—Ingersoll Airport; VOR/DME-A, Original; Established.
Hobbs, N. Mex.—Crossroads Intercontinental Airport; VOR/DME Runway 21, Amdt. 1; Revised.
Los Angeles, Calif.—Van Nuys Airport; VOR/DME-B, Original; Established.
Quincy, Ill.—Quincy Municipal/Baldwin Field; VOR/DME Runway 21, Amdt. 1; Revised.
Tracy, Calif.—Tracy Municipal Airport; VOR/DME-A, Original; Canceled.

5. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective October 21, 1971.

South Bend, Ind.—St. Joseph County Airport; LOC (BC) Runway 9, Amdt. 8; Revised.

6. Section 97.25 is amended by establishing, revising or canceling the following SDF-LOC-LDA SIAP's effective November 4, 1971.

Norwood, Mass.—Norwood Memorial Airport; SDF Runway 35, Original; Established.

7. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective November 11, 1971.

Fort Wayne, Ind.—Fort Wayne Municipal (Baer Field) Airport; LOC (BC) Runway 22, Original; Established.
Long Beach, Calif.—Long Beach (Daugherty Field) Airport; LOC (BC) Runway 12, Original; Established.
Medford, Oreg.—Medford-Jackson County Airport; LOC/DME (BC)-A, Original; Established.

Midland, Tex.—Midland-Odessa Regional Air Terminal; LOC (BC) Runway 28, Amdt. 7; Revised.
Portland, Oreg.—Portland International Airport; LOC Runway 20, Original; Established.
Quincy, Ill.—Quincy Municipal/Baldwin Field; LOC (BC) Runway 21, Original; Established.
San Diego, Calif.—San Diego International/Lindbergh Field; LOC (BC)-A, Amdt. 13; Revised.
Seattle, Wash.—Boeing Field International/King County Airport; LOC (BC) Runway 31L, Original; Established.
Tyler, Tex.—Pounds Field; LOC (BC) Runway 31, Amdt. 10; Revised.

8. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective November 11, 1971.

Adrian, Mich.—The Lenawee County Airport; NDB Runway 5, Amdt. 2; Revised.
Alpena, Mich.—Phelps-Collings Airport; NDB Runway 18, Amdt. 8; Revised.
Battle Creek, Mich.—W. K. Kellogg Regional Airport; NDB Runway 22, Amdt. 5; Revised.
Creston, Iowa—Creston Municipal Airport; NDB Runway 34, Amdt. 1; Revised.
Decorah, Iowa—Decorah Municipal Airport; NDB Runway 29, Amdt. 2; Revised.
Detroit Lakes, Minn.—Detroit Lakes Municipal Airport; NDB Runway 13, Original; Canceled.
Kankakee, Ill.—Greater Kankakee Airport; NDB Runway 4, Amdt. 2; Revised.
La Junta, Colo.—La Junta Municipal Airport; NDB Runway 8, Amdt. 1; Revised.
Long Beach, Calif.—Long Beach (Daugherty Field) Airport; NDB Runway 30, Original; Established.
Manhattan, Kans.—Manhattan Municipal Airport; NDB Runway 31, Amdt. 7; Revised.
Marshall, Minn.—Marshall Municipal Airport; NDB Runway 12, Original; Canceled.
Marshalltown, Iowa—Marshalltown Municipal Airport; NDB Runway 12, Amdt. 2; Revised.
Milwaukee, Wis.—General Mitchell Field; NDB Runway 1L, Amdt. 26; Revised.
Milwaukee, Wis.—General Mitchell Field; NDB Runway 7R, Amdt. 3; Revised.
Milwaukee, Wis.—General Mitchell Field; NDB Runway 19R, Amdt. 3; Revised.
Milwaukee, Wis.—General Mitchell Field; NDB Runway 25L, Amdt. 1; Revised.
Montevideo, Minn.—Montevideo Municipal Airport; NDB Runway 14, Original; Canceled.
New Bedford, Mass.—New Bedford Municipal Airport; NDB Runway 5, Amdt. 3; Revised.
North Platte, Nebr.—Lee Bird Field; NDB Runway 35, Amdt. 4; Revised.
Quincy, Ill.—Quincy Municipal/Baldwin Field; NDB Runway 3, Amdt. 9; Revised.
Rochester, Ind.—Fulton County Airport; NDB Runway 29, Amdt. 3; Revised.
San Diego, Calif.—San Diego International/Lindbergh, Field; NDB-A, Amdt. 2; Revised.
Summit, Alaska—Summit Airport; NDB-A, Amdt. 4; Revised.
Tyler, Tex.—Pounds Field; NDB Runway 13, Amdt. 8; Revised.

9. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective October 7, 1971.

Washington, D.C.—Dulles International Airport; ILS Runway 1R, Amdt. 9; Revised.

10. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective October 21, 1971.

South Bend, Ind.—St. Joseph County Airport; ILS Runway 27, Amdt. 25; Revised.

11. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective November 11, 1971.

Arcata-Eureka, Calif.—Arcata Airport; ILS Runway 31, Amdt. 16; Revised.
Battle Creek, Mich.—W. K. Kellogg Regional Airport; ILS Runway 22, Amdt. 6; Revised.
Long Beach, Calif.—Long Beach (Dougherty Field) Airport; ILS Runway 30, Amdt. 23; Revised.
Midland, Tex.—Midland-Odessa Regional Air Terminal; ILS Runway 10, Amdt. 7; Revised.
Milwaukee, Wis.—General Mitchell Field; ILS Runway 1L, Amdt. 29; Revised.
Milwaukee, Wis.—General Mitchell Field; ILS Runway 7R, Amdt. 5; Revised.
New Bedford, Mass.—New Bedford Municipal Airport; ILS Runway 5, Amdt. 11; Revised.
Quincy, Ill.—Quincy Municipal/Baldwin Field; ILS Runway 3, Amdt. 9; Revised.
San Diego, Calif.—San Diego International/Lindbergh Field; ILS Runway 9, Amdt. 1; Revised.
San Jose, Calif.—San Jose Municipal Airport; ILS Runway 30L, Amdt. 9; Revised.
Seattle, Wash.—Seattle-Tacoma International Airport; ILS Runway 34R, Amdt. 2; Revised.
Tyler, Tex.—Pounds Field; ILS Runway 13, Amdt. 10; Revised.

12. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective November 11, 1971.

Las Vegas, Nev.—McCarran International Airport; Radar-1, Amdt. 5; Revised.
Long Beach, Calif.—Long Beach (Daugherty Field) Airport; Radar-1, Amdt. 5; Revised.
Milwaukee, Wis.—General Mitchell Field; Radar-1, Amdt. 15; Revised.

13. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAP's, effective November 11, 1971.

Eureka, Calif.—Murray Field; RNAV Runway 11, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on October 7, 1971.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-15041 Filed 10-15-71;8:45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-703; Amdt. 2]

PART 244—FILING OF REPORTS BY AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS, AND COOPERATIVE SHIPPERS ASSOCIATIONS

Processing of Applications by Railroad Carriers as Air Freight Forwarders or International Air Freight Forwarders

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of October 1971.

In a notice of proposed rule making, issued June 24, 1971 (PSDR-31/EDR-204, 36 F.R. 12310), the Board proposed to amend certain of its regulations, in particular Part 399 of the Policy Statements (14 CFR Part 399) and Parts 296, 297, and 244 of the Economic Regulations (14 CFR Parts 296, 297, and 244) to provide for the filing and processing of applications of railroad carriers for authorization as air freight forwarders or international air freight forwarders and applications of railroad carriers for approval of control of an air freight forwarder or international air freight forwarder.

Interested persons have been afforded an opportunity to participate in this rule making proceeding and, as indicated in PS-43, issued contemporaneously herewith, the Board has decided to adopt the rules essentially as proposed.

One other matter deserves comment here. Under the proposed rules (§ 244.19a) railroad carriers holding air freight forwarder authority would be required to file a schedule T-4, showing the source and distribution of tons enplaned and deplaned (exclusive of reconsolidation) at the originating air station, and data on the miles of surface movement of the air freight before and after its air transportation. This schedule is presently filed by long-haul motor carriers and certain rail carriers who hold air forwarder authority. In a comment filed on the proposed rules, however, Southern Pacific Air Freight, Inc. (SPAF), requests that schedule T-4 be modified to require data reflecting the source of tons enplaned or deplaned only where such originating air station is one of the country's top 10 air freight generating points (or whatever other appropriate measure the Board might adopt to delineate the major freight cities). It asserts that this revision would reduce the cost and time required to compute the distance involved between all the small originating air stations which SPAF serves without detracting from the essential purposes of the Board's reporting requirements.

We are not persuaded to adopt this proposal. The standards for schedule T-4 reporting SPAF requests would not ensure that the Board obtains statistics on off-line freight traffic needed to determine the degree of promotion of air cargo service at small as well as major air freight terminals.[6] Moreover, if coverage of schedule T-4 were limited to the 10 major air freight terminals or similar classification, the Board would receive no statistics on off-line freight traffic where a surface/air forwarder confines its operations to geographical areas not within the prescribed classification.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 244 of the Economic Regulations (14 CFR Part 244), effective November 16, 1971, as follows:

1. Amend the Table of Contents by revising the title to § 244.19b of Subpart B, as follows:

[6] See § 399.21(e) (14 CFR Part 399) and EDR-159/PSDR-22, Apr. 21, 1969.

Sec.
244.19b Supplemental operating statistics—long-haul motor carriers or railroad carriers/air freight forwarders (Schedule T-5).

2. Amend § 244.1 by revising the definition of "affiliate" and adding a new definition of "Railroad carrier", as follows:

§ 244.1 Definitions.

For the purposes of this part:

An "affiliate" of a long-haul motor carrier, railroad carrier, or an air freight forwarder means a person who controls such carrier or is controlled by such carrier or by another person who controls or is controlled by such carrier. A person who beneficially owns, directly or indirectly, 10 percent or more of the outstanding issued capital stock of a carrier, in the absence of a proper showing to the Board that he does not control the carrier despite his stock ownership, shall be deemed to control the carrier for purposes of this part.

* * * * *

"Railroad carrier" means a common carrier by railroad subject to Part I of the Interstate Commerce Act, or an affiliate of such a carrier.

* * * * *

3. Amend paragraphs (b) (4) and (5) of § 244.10 to read as follows:

§ 244.10 General.

(b) The aforesaid report consists of a statement of certification and individual schedules to be filed therewith at various specified times. These schedules are identified as follows:

* * * * *

(4) Schedule T-4, Originating Air Station Data; T-5, Supplemental Operating Statistics—Long-Haul Motor Carriers or Railroad Carriers/Air Freight Forwarders: T-6, Analysis of Traffic by Weight Breaks; all to be filed quarterly by (i) long-haul motor carriers of general commodities and railroad carriers which are authorized to operate as air freight forwarders, or international air freight forwarders, and (ii) air freight forwarders or international air freight forwarders which are affiliates of long-haul motor carriers or railroad carriers. Schedule T-6 shall also be filed by long-haul motor carriers and railroad carriers affiliated with air freight forwarders or international air freight forwarders or operating as a separate division within the forwarder's corporate structure.[7]

(5) A location report (as provided in § 244.19d, infra), to be filed annually by (i) long-haul motor carriers of general commodities and railroad carriers holding an authorization to operate as air freight forwarders or international air freight forwarders, and (ii) air freight forwarders or international air freight forwarders which are affiliates of long-haul motor carriers[8] or railroad carriers.

4. Amend paragraph (a) of § 244.19a, § 244.19b, paragraph (a) of § 244.19c, and § 244.19d to read as follows:

§ 244.19a Originating air station data (Schedule T-4).

(a) The schedule for originating air station data shall be filed by (1) long-haul motor carriers of general commodities and railroad carriers which are authorized to operate as air freight forwarders or international air freight forwarders, and (2) air freight forwarders or international air freight forwarders which are affiliates of long-haul motor carriers or railroad carriers. It is designated as Schedule T-4 of CAB Form 244, and shall be prepared for each calendar quarterly period and filed with the Board as provided in § 244.10.

* * * * *

§ 244.19b Supplemental operating statistics—long-haul motor carriers or railroad carriers/air freight forwarders (Schedule T-5).

(a) The schedule for supplemental operating statistics shall be filed by (1) long-haul motor carriers of general commodities and railroad carriers which are authorized to operate as air freight forwarders or international air freight forwarders, and (2) air freight forwarders or international air freight forwarders which are affiliates of long-haul motor carriers or railroad carriers. It is designated as Schedule T-5 of CAB Form 244, and shall be prepared for each calendar quarterly period and filed with the Board as provided in § 244.10.

(b) Schedule T-5 shall cover where applicable both domestic and overseas/foreign air operations. With respect to combination surface/air operations of the forwarder, the schedule shall reflect the number and weight of (1) shipments which the reporting forwarder received from or delivered to an affiliated long-haul motor carrier or railroad carrier prior or subsequent to transporting them in its air freight forwarding operations, and (2) shipments which the reporting carrier accepted for air freight forwarding, but substituted other than air means for their transportation. With respect to other air operations by the forwarder, the schedule shall reflect the number and weight of all shipments tendered by the reporting carrier to direct air carriers in a capacity other than as a freight fowarder (shipper's agent or agent for direct air carrier). All the aforesaid categories shall be itemized and subdivided as shown by Schedule T-5 and the instructions thereon.

§ 244.19c Analysis of traffic by weight breaks (Schedule T-6).

(a) The schedule of analysis of traffic by weight breaks shall be filed by (1) long-haul motor carriers of general commodities and railroad carriers which are authorized to operate as air freight forwarders or international air freight forwarders, (2) air freight forwarders or international air freight forwarders which are affiliates of long-haul motor carriers or railroad carriers, and (3) long-haul motor carriers or railroad carriers affiliated with air freight forwarders or international air freight forwarders or operating as a separate division within the forwarder's corporate structure. It is designated as Schedule T-6 of CAB Form 244, and shall be prepared for each calendar quarterly period and filed with the Board as provided in § 244.10. In addition, each long-haul motor carrier and railroad carrier shall report applicable data (insofar as they are available) relative to its long-haul motor carrier or railroad carrier operations for the corresponding quarter of each of the preceding 5 years.

* * * * *

§ 244.19d Report of location of air freight forwarding stations and surface transport terminals.

Each long-haul motor carrier or railroad carrier holding an authorization to operate as an air freight forwarder or international air freight forwarder and each air freight forwarder or international air freight forwarder which is an affiliate of a long-haul motor carrier or railroad carrier shall file with the Board's Bureau of Accounts and Statistics, Washington, D.C. 20428, within 45 days after the close of each calendar year, a report showing as of December 31 of such year the location of each specialized air freight forwarding station and of each surface transport terminal at which air freight forwarding services are offered. The statement shall indicate, for each station or terminal, the number of drivers, salesmen and other personnel who are assigned to promote air freight exclusively. For identification purposes, this report should be referred to as "location report."

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 766; 49 U.S.C. 1377)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-15149 Filed 10-15-71;8:49 am]

[7] Schedules T-4, T-5 and T-6 and the location report referred to in subparagraph (5) of § 244.10(b) shall be required for a temporary period coterminous with the term of the operating authorizations issued in the Motor Carrier-Air Freight Forwarder Investigation (Docket 16857, Order 69-4-100) and for the duration of any proceeding in which a renewal of the authorization is sought. Schedules filed as part of original document.

[8] Ibid.

[Reg. ER-701; Amdt. 11]

PART 296—CLASSIFICATION AND EXEMPTION OF INDIRECT AIR CARRIERS

Processing of Applications by Railroad Carriers as Air Freight Forwarders or International Air Freight Forwarders

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of October 1971.

In a notice of proposed rule making, issued June 24, 1971 (PSDR-31/EDR-204, 36 F.R. 12310), the Board proposed to

amend certain parts of its regulations, in particular Part 399 of the Policy Statements (14 CFR Part 399) and Parts 296, 297, and 244 of the Economic Regulations (14 CFR Parts 296, 297, and 244), to provide for the filing and processing of applications of railroad carriers for authorization as air freight forwarders or international air freight forwarders and applications of railroad carriers for approval of control of an air freight forwarder or international air freight forwarder.

Interested persons have been afforded an opportunity to participate in this rule making proceeding and, as indicated in PS-48, issued contemporaneously herewith, the Board has decided to adopt the rules as proposed. The rules herein also reflect the adoption of two clarifying revisions requested in a comment filed by the Missouri Pacific Railroad Co.[5]

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 296 of the Economic Regulations (14 CFR Part 296), effective November 16, 1971, as follows:

1. Amend the Table of Contents by revising the title to Subpart I to read as follows:

Subpart I—Authorization of Long-Haul Motor Carriers of General Commodities or Railroad Carriers as Air Freight Forwarders

2. Amend § 296.1 by adding new paragraph (d-1) and by revising paragraph (e) as follows:

§ 296.1 Definitions.

For the purposes of this part:

* * * * *

(d-1) "Railroad carrier" means a common carrier by railroad subject to part I of the Interstate Commerce Act, or an affiliate of such a carrier.

* * * * *

(e) An "Affiliate" of a long-haul motor carrier, railroad carrier, or an air freight forwarder means a person who controls such carrier or is controlled by such carrier or by another person who controls or is controlled by such carrier. A person who beneficially owns, directly or indirectly, 10 percent or more of the outstanding issued capital stock of a carrier, in the absence of a proper showing to the Board that he does not control the carrier despite his stock ownership, shall be deemed to control the carrier for purposes of this part.

3. Amend the title to Subpart I as follows:

[5] Paragraph (a) (2) of § 296.83 will read: "A traffic estimate showing (i) what traffic will be newly generated and (ii) what traffic is presently shipped by surface means" instead of "A traffic estimate showing what traffic is newly generated or presently shipped by surface means." Paragraph (b) of § 296.83 will use the phrase "or a description of the railroad carrier's rail lines" in lieu of the phrase originally used in the proposed rule: "or railroad carrier's certificate for construction of interstate rail lines." Identical revisions have also been made to paragraphs (a) (2) and (b) of § 297.63.

Subpart I—Authorization of Long-Haul Motor Carriers of General Commodities or Railroad Carriers as Air Freight Forwarders

4. Amend §§ 296.80, 296.81, 296.82, 296.83, 296.85, and 298.89 to read as follows:

§ 296.80 Applicability of subpart.

This subpart sets forth the special rules applicable to the processing of applications of long-haul motor carriers, as defined in § 296.1(d), and railroad carriers, as defined in § 296.1(d-1), for authorization to operate in their own names as air freight forwarders. The regulation does not govern requests of motor carriers and railroad carriers for Board approval of control relationships created when they apply through subsidiaries or other affiliates for authorization as air freight forwarders. Action on such applications for approval of control shall be governed by section 408 of the Act and by § 399.20 of the Board's policy statements in this chapter.

§ 296.81 Applicability of other subparts.

Unless otherwise provided in this subpart, the provisions of Subparts A through C and E through H of this part shall be applicable to the processing of applications of long-haul motor carriers or railroad carriers for authority to operate as air freight forwarders, and to the conduct of such operations.

§ 296.82 Applicability of policy statement.

The provisions of § 399.20 of the Board's policy statements in this chapter (14 CFR Part 399) shall be applicable to the processing of applications of long-haul motor carriers or railroad carriers for authority under this subpart.

§ 296.83 Application for operating authorization.

In addition to the requirements set forth in §296.42, a long-haul motor carrier or railroad carrier applicant must show:

(a) A plan to conscientiously promote air cargo. This showing shall include, inter alia:

(1) A statement as to whether the long-haul motor carrier or railroad carrier plans to solicit existing surface customers for air cargo and, if so, the extent of such plans;

(2) A traffic estimate showing (i) what traffic will be newly generated and (ii) what traffic is presently shipped by surface means;

(3) An estimate of what portion of the long-haul motor carrier's or railroad carrier's existing surface traffic is subject to diversion to air;

(4) An estimate of beyond-terminal-area traffic moving by surface transportation over the routes of the long-haul motor carrier or railroad carrier or via interline agreements; and

(5) A statement of the proposed air cargo sales force and facilities.

(b) A statement of the long-haul motor carrier's authority from the Interstate Commerce Commission or other regulatory agency, or a description of the railroad carrier's rail lines, including a description of the surface transportation authorized and offered at the stations at which air forwarding operations are proposed.

(c) A statement of any other advantages which would result from approval of the application.

§ 296.85 Objections.

Within thirty (30) days after publication of notice of application in the FEDERAL REGISTER, any interested person may file an objection thereto. The objection must set forth an adequate factual showing of—

(a) The party's interest in the matter;

(b) His reasons for believing that the long-haul motor carrier or its affiliate, or the railroad carrier or its affiliate, will not promote air cargo; and

(c) Any other reasons why the application does not meet the licensing criteria of § 296.86.

If a hearing is requested, the objection must set forth economic data and other facts which the party will offer to prove.

§ 296.89 Revocation or suspension.

The Board may institute proceedings to revoke the authorization of one or more long-haul motor carriers or railroad carriers or a group of motor carriers or railroad carriers if it has cause to believe that the continued operations of such carrier or carriers are contrary to the above-stated licensing criteria (§ 296.86). Pending completion of revocation proceedings, the Board may without hearing suspend or limit the authorization of such motor carrier or motor carriers, or railroad carrier or railroad carriers, in accordance with procedures specified by § 296.48.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 101(3), 102 and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 740, 771; 49 U.S.C. 1301, 1302, 1386)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-15147 Filed 10-15-71;8:49 am]

[Reg. ER-702; Amdt. 11]

PART 297—CLASSIFICATION AND EXEMPTION OF INTERNATIONAL AIR FREIGHT FORWARDERS

Processing of Applications by Railroad Carriers as Air Freight Forwarders or International Air Freight Forwarders

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of October 1971.

In a notice of proposed rule making issued June 24, 1971 (PSDR-31/EDR-204, 36 F.R. 12310), the Board proposed to amend certain parts of its regulations, in particular, Part 399 of the Policy Statements (14 CFR Part 399) and Parts 296, 297 and 244 of the Economic Regulations (14 CFR Parts 296, 297, and 244),

to provide for the filing and processing of applications of railroad carriers for authorization as air freight forwarders or international air freight forwarders and applications of railroad carriers for approval of control of an air freight forwarder or international air freight forwarder.

Interested persons have been afforded an opportunity to participate in this rule making proceeding. As indicated in PS-48, issued contemporaneously herewith, the Board has decided to adopt the rules as proposed, with clarifying revisions discussed in ER-701, also issued contemporaneously herewith.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 297 of the Economic Regulations (14 CFR Part 297), effective November 16, 1971, as follows:

1. Amend the Table of Contents by revising the title of Subpart F to read as follows:

Subpart F—Authorization of Long-Haul Motor Carriers of General Commodities or Railroad Carriers as International Air Freight Forwarders

2. Amend § 297.1 by inserting new paragraph (e-1), and revising paragraph (f) as follows:

§ 297.1 Definitions.

For the purposes of this part:

* * * * *

(e-1) "Railroad carrier" means a common carrier by railroad subject to Part I of the Interstate Commerce Act, or an affiliate of such a carrier.

* * * * *

(f) An "affiliate" of a long-haul motor carrier or railroad carrier or an air freight forwarder means a person who controls such carrier or is controlled by such carrier or by another person who controls or is controlled by such carrier. A person who beneficially owns, directly or indirectly, 10 percent or more of the outstanding issued capital stock of a carrier, in the absence of a proper showing to the Board that he does not control the carrier despite his stock ownership, shall be deemed to control the carrier for purposes of this part.

3. Amend the title to Subpart F to read as follows:

Subpart F—Authorization of Long-Haul Motor Carriers of General Commodities of Railroad Carriers as International Air Freight Forwarders

4. Amend §§ 297.60, 297.61, 297.62, 297.63, 297.65, and 297.69 to read as follows:

§ 297.60 Applicability of subpart.

This subpart sets forth the special rules applicable to the processing of applications of long-haul motor carriers, as defined in § 297.1(e), and railroad carriers, as defined in § 297.1(e-1), for authorization to operate in their own names as international air freight forwarders. The regulation does not govern requests of motor carriers and railroad carriers for Board approval of control relationship created when they apply through subsidiaries or other affiliates for authorization as international air freight forwarders. Action on such applications for approval of control shall be governed by section 408 of the Act and by § 399.20 of the Board's policy statement in this chapter.

§ 297.61 Applicability of other subparts.

Unless otherwise provided in this subpart, the provisions of Subparts A through E of this part shall be applicable to the processing of applications of long-haul motor carriers or railroad carriers for authority to operate as international air freight forwarders, and to the conduct of such operations.

§ 297.62 Applicability of policy statement.

The provisions of § 399.20 of the Board's policy statements in this chapter (14 CFR Part 399) shall be applicable to the processing of applications of long-haul motor carriers and railroad carriers for authority under this subpart.

§ 297.63 Application for operating authorization.

In addition to the requirements set forth in § 297.32, a long-haul motor carrier or railroad carrier applicant must show:

(a) A plan to conscientiously promote air cargo. This showing shall include, inter alia:

(1) A statement as to whether the long-haul motor carrier or railroad carrier plans to solicit existing surface customers for air cargo and, if so, the extent of such plans;

(2) A traffic estimate showing (i) what traffic will be newly generated and (ii) what traffic is presently shipped by surface means;

(3) An estimate of what portion of the long-haul motor carrier's or railroad carrier's existing surface traffic is subject to diversion to air;

(4) An estimate of beyond-terminal-area traffic moving by surface transportation over the routes of the long-haul motor carrier or railroad carrier or via interline agreements; and

(5) A statement of the proposed air cargo sales force and facilities.

(b) A statement of the long-haul motor carrier's authority from the Interstate Commerce Commission or other regulatory agency, or a description of the railroad carrier's rail lines, including a description of the surface transportation authorized and offered at the stations at which air forwarding operations are proposed.

(c) A statement of any other advantages which would result from approval of the application.

§ 297.65 Objections.

Within thirty (30) days after publication of notice of application in the FEDERAL REGISTER, any interested person may file an objection thereto. The objection must set forth an adequate factual showing of—

(a) The party's interest in the matter;

(b) His reasons for believing that the long-haul motor carrier or its affiliate, or the railroad carrier or its affiliate, will not promote air cargo; and

(c) Any other reasons why the application does not meet the licensing criteria of § 297.66.

If a hearing is requested, the objection must set forth the economic data and other facts which the party will offer to prove.

§ 297.69 Revocation or suspension.

The Board may institute proceedings to revoke the authorization of one or more long-haul motor carriers or railroad carriers or a group of motor carriers or railroad carriers if it has cause to believe that the continued operations of such carrier or carriers are contrary to the above-stated licensing criteria (§ 297.66). Pending completion of revocation proceedings, the Board may without hearing suspend or limit the authorization of such motor carrier or motor carriers, or railroad carrier or railroad carriers, in accordance with procedures specified by § 297.43.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 101(3), 102, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 740, 771; 49 U.S.C. 1301, 1302, 1386)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-15148 Filed 10-15-71;8:49 am]

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-48; Amdt. 27]

PART 399—STATEMENTS OF GENERAL POLICY

Processing of Applications by Railroad Carriers as Air Freight Forwarders or International Air Freight Forwarders

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of October 1971.

In a notice of proposed rule making, issued June 24, 1971 (PSDR-31/EDR-204, 36 F.R. 12310) the Board proposed to amend certain parts of its regulations, in particular Part 399 of the Policy Statements (14 CFR Part 399) and Parts 296, 297, and 244 of the economic regulations (14 CFR Parts 296, 297, and 244) to provide for the filing and processing of applications of railroad carriers for authorization as air freight forwarders or international air freight forwarders, and applications of railroad carriers for approval of control of an air freight forwarder or international air freight forwarder.

Pursuant to the subject notice, comments were filed by Southern Pacific Air Freight, Inc. (SPAF) and the Missouri Pacific Railroad Co. (Missouri Pacific). Both parties support the substance of the rules as proposed; however, SPAF requests modification of one

of the provisions of Part 244 and Missouri Pacific requests two minor clarifying revisions to certain sections of Parts 296 and 297. Upon consideration of the relevant matter contained in the comments, we have decided to adopt the rules as proposed[1] together with the clarifying revisions requested by Missouri Pacific.[2] Accordingly, the tentative findings set forth in the Explanatory Statement to the proposed rules are incorporated by reference and made final.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 399 of the Statements of General Policy (14 CFR Part 399), effective November 16, 1971, as follows:

1. Amend the Table of Contents by revising the title to § 399.20 of Subpart B, as follows:

Sec.
399.20 Processing of applications of long-haul motor carriers or railroad carriers for authority as air freight forwarders or international air freight forwarders.

2. Amend paragraphs (a) through (e) of § 399.20 to read as follows:

§ 399.20 Processing of applications of long-haul motor carriers or railroad carriers for authority as air freight forwarders or international air freight forwarders.

(a) *General.* This policy statement prescribes the procedures and general standards which the Board will use in processing applications of long-haul motor carriers of general commodities and railroad carriers for authorization as air freight forwarders or international air freight fowarders. It will also apply to such motor carriers' and railroad carriers' applications for Board approval of the acquisition of control of such forwarders.

(b) *Definitions.* As used in this section:

(1) "Long-haul motor carrier" means a motor carrier holding operating rights issued by the Interstate Commerce Commission to haul general commodities between any pair of points which are over 500 miles apart, or an affiliate[3] of such a carrier.

(2) "Railroad carrier" means a common carrier by railroad subject to Part I of the Interstate Commerce Act, or an affiliate[4] of such a carrier.

(c) *Applications for forwarding authority.* Where a long-haul motor carrier or railroad carrier applies for authority as an air freight forwarder or an international air freight forwarder and submits a proposal to conscientiously promote air cargo in conformity with Part 296 or 297 of this chapter, the following will be the Board's policy in ordinary circumstances:

(1) The Board will process the application without hearing.

(2) The Board will not deem the size, geographical extent, or general commodity rights of the long-haul motor carrier's surface transport authorization and operations, or the size or geographical extent of the railroad carrier's surface transport authorization and operations, of themselves, as factors indicating that the applicant's operations as an air freight forwarder or international air freight forwarder will result in creating a monopoly or monopolies, and thereby restrain competition or jeopardize any air carrier, or will otherwise be inconsistent with the public interest.

(d) *Applications for acquisition of control.* Where a long-haul motor carrier or railroad carrier applies for Board approval to acquire control of an air freight forwarder or an international air freight forwarder and submits a proposal to conscientiously promote air cargo, the Board's policy in ordinary circumstances will be as follows:

(1) The Board will exempt the acquisition from the requirements of section 408(a) of the Act, pursuant to the proviso in section 408(a)(5) to the extent and for such periods as it finds may be in the public interest; or, in the alternative the Board will process the application for approval without a hearing, pursuant to the third proviso in section 408 (b) if it determines (i) that the transaction which is the subject of the application does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition, and (ii) that no person disclosing a substantial interest then currently is requesting a hearing.

(2) The Board will not deem the size, geographical extent, or general commodity rights of the long-haul motor carrier's surface transport authorization and operations, or the size or geographical extent of the railroad carrier's surface transport authorization and operations, of themselves, as factors indicating that the carrier's control of the air freight forwarder or international air freight forwarder will result in creating a monopoly or monopolies, and thereby restrain competition or jeopardize another air carrier not a party to the consolidation, merger, purchase, lease, operating contract, or acquisition of control, or will otherwise be inconsistent with the public interest.

(e) *Exceptions.* (1) If the Board finds that the long-haul motor carrier or railroad carrier has not made a prima facie showing, in accordance with the standards set forth in § 296.83 of Part 296 of this chapter, that it will conscientiously promote air cargo, the Board may—

(i) Deny the application without hearing; or

(ii) Order a hearing.

(2) If the Board finds that the long-haul motor carrier or railroad carrier has not made a prima facie showing that its operations (either alone or together with other similar carriers granted air forwarding authority) will not result in creating a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier, or will not otherwise be inconsistent with the public interest, the Board may—

(i) Deny an application without hearing; or

(ii) Order a hearing.

(3) The Board may also order a hearing if any person demonstrates that he will present evidence which may contradict the prima facie showing of a long-haul motor carrier or railroad carrier described in this paragraph.

* * * * *

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 101(3), 102, 408, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 740, 767, as amended by 74 Stat. 901, 83 Stat. 103, 72 Stat. 771; 49 U.S.C. 1301, 1302, 1378, 1386)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-15146 Filed 10-15-71;8:49 am]

[1] The amendments to Parts 296, 297, and 244 are contained in ER-701, ER-702, and ER-703, issued contemporaneously herewith.
[2] See ER-701.
[3] For the definition of "affiliate" see § 296.1 (e), § 297.1(f), or § 244.1.
[4] Ibid.

Title 21—FOOD AND DRUGS

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dimethyl Phosphate of 3-Hydroxy-*N,N*-Dimethyl-*cis*-Crotonamide

A petition (PP 1F1062) was filed by the Shell Chemical Co., Suite 1103, 1700 K Street NW., Wash., DC 20006, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the insecticide dimethyl phosphate of 3-hydroxy-*N, N*-dimethyl-*cis*-crotonamide in or on the raw agricultural commodity cottonseed at 0.05 part per million.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful in the production of cotton.

2. The proposed usage is not reasonably expected to result in residues of the insecticide in meat, milk, poultry, and eggs. The uses are classified in the category specified in § 420.6(a)(3).

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (36 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection

Agency (36 F.R. 9038), Part 420 is amended as follows:

1. Section 420.3(e)(5) is amended by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item, as follows:

§ 420.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

Dimethyl phosphate of 3-hydroxy-*N,N*-dimethyl-*cis*-crotonamide.	

* * * * *

2. The following new section is added to Subpart C:

§ 420.299 Dimethyl phosphate of 3-hydroxy-*N,N*-dimethyl-*cis*-crotonamide; tolerances for residues.

A tolerance is established for negligible residues of the insecticide dimethyl phosphate of 3-hydroxy-*N,N*-dimethyl-*cis*-crotonamide in or on the raw agricultural commodity cottonseed at 0.05 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (10–16–71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: October 8, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71–15098 Filed 10–15–71;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70–73a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Haines Creek, Oklawaha River and Dead River, Fla.

This amendment changes the regulations for the Lisbon Bridge on Florida State Road 44, across Haines Creek near Lisbon, to require at least 3 hours' notice at all times. This amendment was circulated as a public notice dated May 5, 1970 by the Commander, Seventh Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 70–73) on June 11, 1970 (35 F.R. 9018). Two objections were made by navigational interests. However, requests for openings of this bridge are infrequent (12 over a 10 month period) and constant attendance should not be required.

This amendment also changes the regulations for the Marion County drawbridge near Sharpes Ferry across the Oklawaha River and the Norris Cattle Co. drawbridge near Muclan Farms across the Oklawaha River, to require at least 3 hours' notice from 7 p.m. to 7 a.m. This amendment was circulated as a public notice dated June 7, 1971 by the Commander, Seventh Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 70–144) on June 3, 1971 (36 F.R. 10800). No comments were received.

In the interest of clarity, regulations for the bridges across Oklawaha River, Haines Creek, and Dead River are provided in separate sections. Minor editorial changes to assure clarity have also been made.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended as follows:

1. Revising § 117.434 to read as follows:

§ 117.434 Oklawaha River, Fla.

(a) From 7 a.m. to 7 p.m. the draws of each bridge shall open on signal. From 7 p.m. to 7 a.m. the draws of each bridge shall open on signal if at least 3 hours notice has been given.

(b) The owner of or agency controlling each bridge shall conspicuously post notices containing these regulations both upstream and downstream of each bridge, on the bridge or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel. The notice shall state how the authorized representative may be reached.

2. By adding a new § 117.434a immediately after § 117.434 to read as follows:

§ 117.434a Haines Creek, Fla., State Road 44 near Lisbon.

(a) The draw shall open on signal if at least 3 hours' notice has been given.

(b) The owner of or agency controlling this bridge shall conspicuously post notices containing the substance of these regulations both upstream and downstream of the drawbridge on the bridge or elsewhere in such a manner that they can easily be read at all times from an approaching vessel. The notice shall state how the authorized representative may be reached.

3. By adding a new § 117.434b immediately after § 117.434a to read as follows:

§ 117.434b Dead River, Fla., Seaboard Coast Line railroad bridge.

(a) From 6 a.m. to 10 p.m., the draw shall open on signal. From 10 p.m. to 6 a.m., the draw need not open for the passage of vessels.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Effective date. This revision shall become effective on November 19, 1971.

Dated: October 12, 1971.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.71–15183 Filed 10–15–71;8:50 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER B—PERSONNEL

PART 21—COMMISSIONED OFFICERS

Sick Leave Policy

1. Section 21.89 of Part 21, Title 42, Code of Federal Regulations is amended to read as follows:

§ 21.89 Granting of sick leave.

Sick leave may be granted when the officer is in need of medical services or is incapacitated for the performance of duties by sickness, injury, or pregnancy and confinement. The leave granting authority or other responsible official may require a medical certificate for every period of sick leave in excess of 3 days, or for a lesser period when determined necessary. A medical certificate shall also be furnished promptly to the Surgeon General, or his designee, at the end of each period of 30 days of continuous absence from duty because of sickness or injury.

(42 U.S.C. 210–1, 216)

2. Section 21.90 of such part is amended to read as follows:

§ 21.90 Prolonged or frequent absence due to sickness or disability; review of status.

An officer's absence from duty because of sickness or disability for a period of more than 90 consecutive days or for an aggregate of more than 120 days in a consecutive 12-month period shall be reported to the Surgeon General, or his designee, who shall appoint a board to consider whether such officer should be retired.

(42 U.S.C. 210–1, 216)

§ 21.98 [Revoked]

3. Section 21.98 of such part is revoked.

4. Section 21.152 of such part is amended to read as follows:

§ 21.152 Separation of officers because of pregnancy.

If an officer who is pregnant is not eligible for maternity leave, she shall be separated from active duty. If an officer who is granted maternity leave is found physically unqualified to return to her assigned duties upon expiration of the

sick leave granted, her commission will be terminated, unless it is determined that under normal circumstances she should be so qualified before the 90th day following the birth of the child. If an officer who is granted sick leave officially advises the Service at any time thereafter that she does not intend to return to duty, her commission shall be terminated immediately. This section shall not be applicable to any officer eligible for retirement.

(42 U.S.C. 211, 216)

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER (10–16–71).

Approved: October 10, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71–15134 Filed 10–15–71;8:48 am]

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

Additional Standards for Poliovirus Vaccine, Live, Oral Prepared in Human Cell Cultures

On July 30, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 14144–14145) proposing to amend Part 73 of the Public Health Service regulations by prescribing standards of safety, purity and potency for Poliovirus Vaccine, Live, Oral prepared in human cell cultures.

Interested persons were given 30 days in which to submit writen comments, suggestions or objections regarding the proposed regulations. After consideration of the comments submitted, no changes have been made to the proposed regulations and they are hereby adopted without change and are set forth below.

Effective date. These regulations shall be effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: October 8, 1971.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

1. Section 73.1020 is amended by revising paragraph (a) to read as follows:

§ 73.1020 The product.

(a) *Proper name and definition.* The proper name of this product shall be "Poliovirus Vaccine, Live, Oral," followed by a designation of the type. The vaccine shall be a preparation of one or more live, attenuated polioviruses grown in monkey kidney cell cultures, or a strain of human cell cultures found by the Director, Division of Biologics Standards, to meet the requirements of § 73.1022(b) and shall be prepared in a form suitable for oral administration.

* * * * *

2. Section 73.1022 is amended by revising the section heading, by amending and redesignating present paragraph (b) as paragraph (c), and by adding a new paragraph (b) as follows:

§ 73.1022 Animal and tissue source; quarantine; personnel.

* * * * *

(b) *Human cell culture strains.* Strains of human cell cultures used for the manufacture of Poliovirus Vaccine, Live, Oral shall be (1) identified by historical records, (2) demonstrated to be free of oncogenic properties in a suitable animal test and free of adventitious microbial agents, and (3) shown to be capable of producing a vaccine which, by experience in at least 10,000 persons, has been found to be safe and antigenic. The field studies shall be so conducted that at least 5,000 of the individuals must reside when given vaccine in areas where health related statistics are regularly compiled in accordance with procedures such as those used by the National Center for Health Statistics. Data in such form as will identify each person receiving vaccine shall be furnished to the Director, Division of Biologics Standards.

(c) *Personnel.* All reasonably possible steps shall be taken to insure that personnel involved in processing the vaccine are immune to and do not excrete poliovirus.

3. Section 73.1023 is amended to read as follows:

§ 73.1023 Manufacture.

(a) *Virus passages.* Virus in the final vaccine shall represent no more than five tissue culture passages from the original strain, each of which shall have met the criteria of acceptability prescribed in § 73.1020(b).

(b) *Virus propagated in monkey kidney cell cultures*—(1) *Continuous line cells.* When primary monkey kidney cell cultures are used in the manufacture of poliovirus vaccine, continuous line cells shall not be introduced or propagated in vaccine manufacturing areas.

(2) *Identification of processed kidneys.* The kidneys from each monkey shall be processed and the viral fluid resulting therefrom shall be identified as a separate monovalent harvest and kept separately from other monovalent harvests until all samples for the tests prescribed in the following subparagraph relating to that pair of kidneys shall have been withdrawn from the harvest.

(3) *Monkey kidney tissue production vessels prior to virus inoculation.* Prior to inoculation with the seed virus, the tissue culture growth in vessels representing each pair of kidneys shall be examined microscopically for evidence of cell degeneration at least 3 days after complete formation of the tissue sheet. If such evidence is observed, the tissue cultures from that pair of kidneys shall not be used for poliovirus vaccine manufacture. To test the tissue found free of cell degeneration for further evidence of freedom from demonstrable viable microbial agents, the fluid shall be removed from the cell cultures immediately prior to virus inoculation and tested in each of four culture systems: (i) Macaca monkey kidney cells, (ii) Cercopithecus monkey kidney cells, (iii) primary rabbit kidney cells, and (iv) human cells from one of the systems described in § 73.1024(a)(6), in the following manner: Aliquots of fluid from each vessel shall be pooled and at least 10 ml. of the pool inoculated into each system, with ratios of inoculum to medium being 1: 1 to 1: 3 and with the area of surface growth of cells at least 3 square centimeters per milliliter of test inoculum. The cultures shall be observed for at least 14 days. At the end of the observation period, at least one subculture of fluid from the Cercopithecus monkey kidney cell cultures shall be made in the same tissue culture system and the subculture shall be observed for at least 14 days. If these tests indicate the presence in the tissue culture preparation of any viable microbial agent, the tissue cultures so implicated shall not be used for poliovirus vaccine manufacture.

(4) *Control vessels.* Before inoculation with seed virus, sufficient tissue culture vessels to represent at least 25 percent of the cell suspension from each pair of kidneys shall be set aside as controls. The control vessels shall be examined microscopically for cell degeneration for an additional 14 days. The cell fluids from such control vessels shall be tested, both at the time of virus harvest and at the end of the additional observation period, by the same method prescribed for testing of fluids in subparagraph (b)(3) of this paragraph. In addition, the cell sheet in each control vessel shall be examined for presence of hemadsorption viruses by the addition of guinea pig red blood cells.

(5) *Virus harvest; interpretation of test results.* If the tissue culture in less than 80 percent of the control vessels is not free of cell degeneration at the end of the observation period, no tissue from the kidneys implicated shall be used for poliovirus vaccine manufacture. If the test results of the control vessels indicate the presence of any extraneous agent at the time of virus harvest, the entire virus harvest from that tissue culture preparation shall not be used for poliovirus vaccine manufacture. If any of the tests or observations described in subparagraphs (3) or (4) of this paragraph demonstrate the presence in the tissue culture preparation of any microbial agent known to be capable of producing human disease, the virus grown in such tissue culture preparation shall not be used for poliovirus vaccine manufacture.

(6) *Kidney tissue production vessels after virus inoculation—temperature.* After virus inoculation, production vessels shall be maintained at a temperature not to exceed 35.0° C. during the course of virus propagation.

(7) *Kidney tissue virus harvests.* Virus harvested from vessels containing the kidney tissue from one monkey may constitute a monovalent virus pool and be tested separately, or viral harvests from more than one pair of kidneys may be combined, identified and tested as a

monovalent pool. Each pool shall be mixed thoroughly and samples withdrawn for testing as prescribed in § 73.1024(a). The samples shall be withdrawn immediately after harvesting and prior to further processing, except that samples of test materials frozen immediately after harvesting and maintained at −60° C. or below, may be tested upon thawing, provided no more than one freeze-thaw cycle is employed.

(8) *Filtration.* After harvesting and removal of samples for the safety tests prescribed in § 73.1024(a), the pool shall be passed through sterile filters having a sufficiently small porosity to assure bacteriologically sterile filtrates.

(c) *Virus propagated in human cell cultures*—(1) *Use of continuous line cells.* When a human cell culture strain, previously found to be suitable by the Director, Division of Biologics Standards, is used in the manufacture of poliovirus vaccine, no other continuous line cells or primary cell cultures shall be introduced or propagated in vaccine manufacturing areas.

(2) *Identification of human cell cultures.* The cell culture growth shall be characterized as to (i) identification as human cells, (ii) passage level, and (iii) karyology. Chromosome monitoring of the cell cultures used for vaccine production shall be made on permanent stained slide preparations which shall be maintained by the manufacturer as a permanent record. Monitoring shall be performed on each cell growth used for virus vaccine production. The karyologic determination shall include analyses of the exact chromosome count, karotype, polyploidy, chromosome breaks, structural chromosome abnormalities, other abnormalities such as despiralization or marked attenuations of the primary or secondary constrictions and the presence of minute chromosome. Findings based on these determinations shall not exceed the 95 percent confidence limits of the values established for the cell strain used. Cell cultures shall be processed in such a manner that the viral fluid resulting therefrom shall be identified as a separate monovalent harvest and kept separately from other monovalent harvests until all samples for the tests prescribed in the following subparagraph shall have been withdrawn from the harvest.

(3) *Human cell culture production vessels prior to virus inoculation.* Prior to inoculation with the seed virus, the cell culture growth shall be examined microscopically for evidence of cell degeneration after complete formation of the cell sheet. If such evidence is observed, the cell production lot shall not be used for poliovirus vaccine manufacture. To test the cell cultures found free of cell degeneraion for further evidence of freedom from demonstrable viable microbial agents, the fluid shall be removed from the cell cultures immediately prior to virus inoculation and tested in each of three culture systems: (i) Cercopithecus monkey kidney cells, (ii) primary rabbit kidney cells, and (iii) human cells from one of the systems described in § 73.1024(a)(6), in the following manner: Aliquots of fluid from each vessel shall be pooled and at least 10 ml. of the pool inoculated into each system, with ratios of inoculum to medium being 1:1 to 1:3 and with the area of surface growth of cells at least 3 square centimeters per milliliter of test inoculum. The cultures shall be observed for at least 14 days. At the end of the observation period, at least one subculture of fluid from the Cercopithecus monkey kidney cell cultures shall be made in the same tissue culture system and the subculture shall be observed for at least 14 days. If these tests indicate the presence in the tissue culture preparation of any viable microbial agent, the cell cultures so implicated shall not be used for poliovirus vaccine manufacture.

(4) *Control vessels.* Before inoculation with seed virus, a portion of the cell culture shall be set aside as control material. Such a portion either shall represent at least 25 percent of the cell suspension of a single cell growth or a volume of the fluid derived from the cell cultures equivalent to at least 25 percent of the volume of the final vaccine. The control vessels shall be examined microscopically for cell degeneration for an additional 14 days. The cell fluids from such control vessels shall be tested, both at the time of virus harvest and at the end of the additional observation period, by the same method prescribed for testing of fluids in subparagraph (3) of this paragraph. In addition, the cell sheet in each control vessel shall be examined (i) for presence of hemadsorption viruses by the addition of guinea pig red blood cells and (ii) a pool of cell suspension containing at least 10^5 cells shall be tested in embryonated chicken eggs by the allantoic cavity route of inoculation for the presence of adventitious agents.

(5) *Virus harvest; interpretation of test results.* If more than 20 percent of the cell substrates in the control vessels demonstrate cell degeneration at the end of the observation period, the cells implicated shall not be used for poliovirus vaccine manufacture. If the test results of the control vessels indicate the presence of any extraneous agent at the time of virus harvest, the entire virus harvest from that cell culture preparation shall not be used for poliovirus vaccine manufacture. If any of the tests or observations described in subparagraph (3) or (4) of this paragraph demonstrate the presence in the cell culture preparations of any microbial agent known to be capable of producing human disease, the virus grown in such cell culture preparation shall not be used for poliovirus vaccine manufacture.

(6) *Human cell culture production vessels after virus inoculation—temperature.* After virus inoculation, production vessels shall be maintained at a temperature not to exceed 35.0° C. during the course of virus propagation.

(7) *Virus harvest from human cell cultures.* Virus harvested from vessels representing a single cell growth may constitute a monovalent virus pool and be tested separately, or viral harvests from vessels representing more than one cell growth may be combined, identified and tested as a monovalent pool. Each pool shall be mixed thoroughly and samples withdrawn for testing for safety as prescribed in § 73.1024(a). The samples shall be withdrawn immediately after harvesting and prior to further processing, except that samples of test materials frozen immediately after harvesting and maintained at −60° C. or below, may be tested upon thawing, provided no more than one freeze-thaw cycle is employed.

(8) *Filtration.* After harvesting and removal of samples for the safety tests prescribed in § 73.1024(a), the pool shall be passed through sterile filters having a sufficiently small porosity to assure bacteriologically sterile filtrates.

[FR Doc.71-15105 Filed 10-15-71;8:46 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Subparagraph (3) of § 177.4(c) *Special allowances,* which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Public Law 91-95) is amended to provide for the payment of such an allowance for the period July 1, 1971, through September 30, 1971, inclusive.

As so amended § 177.4 reads as follows:

§ 177.4 Payment of interest benefits, administrative cost allowances and special allowance.

* * * * *

(c) *Special allowances.* * * *

(3) Special allowances are authorized to be paid as follows:

* * * * *

(ix) For the period July 1, 1971, through September 30, 1971, inclusive, a special allowance is authorized to be paid in an amount equal to the rate of 1¼ percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(Sec. 3, 83 Stat. 141)

Dated: October 13, 1971.

S. P. MARLAND, Jr.,
Commissioner of Education.

Approved: October 14, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-15230 Filed 10-15-71;10:10 am]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. 1–52]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Authority With Respect to U.S. International Aeronautical Exposition

The purpose of this amendment is to reflect the establishment of the position of Special Assistant to the Secretary for Development of TRANSPO 72 within the Office of the Secretary and to transfer to the Special Assistant from the Federal Aviation Administrator, the redelegation of the authority delegated to the Secretary of Transportation by Executive Order 11538 of June 29, 1970, with respect to the U.S. International Aeronautical Exposition. The exposition is authorized by section 709 of the Military Construction Authorization Act of 1970.

Since this amendment relates only to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

a. The table of contents is amended by deleting § 1.64 *Saving provision* and inserting in place thereof:

Sec.
1.64 Delegations to Special Assistant to the Secretary for Development of TRANSPO 72.
1.65 Saving provision.

b. Paragraph (a) of § 1.23 is amended to read as follows:

§ 1.23 Structure.

* * * * *

(a) *Secretary.* The Secretary and Under Secretary are assisted by the Deputy Under Secretary, the Executive Secretariat, the Contract Appeals Board, the Departmental Office of Civil Rights, the Office of Congressional Relations, and the Office of Public Affairs, all of which report directly to the Secretary. The National Transportation Safety Board performs its functions in the Department of Transportation independently of the Secretary. The Assistant Secretaries, the General Counsel, and the Special Assistant to the Secretary for Development of TRANSPO 72 report directly to the Secretary.

* * * * *

§ 1.47 [Amended]

c. Section 1.47 is amended by deleting paragraph (i).

d. Section 1.64 is deleted and the following new sections are added at the end of the part:

§ 1.64 Delegations to Special Assistant to the Secretary for Development of TRANSPO 72.

The Special Assistant to the Secretary for Development of TRANSPO 72 is delegated authority to plan, establish, and manage the U.S. International Aeronautical Exposition pursuant to Executive Order 11538 (3 CFR 1970 Comp., p. 138).

§ 1.65 Saving provision.

Each order, determination, regulation or contract that was in effect on January 17, 1970, and that was issued or made on or before that date under any authority delegated under this part, shall continue in effect according to the terms until modified, terminated, superseded, set aside, or repealed by the person to whom the delegation or redelegation is made, by any court of competent jurisdiction, or by operation of law.

(Sec. 9, Department of Transportation Act, 49 U.S.C. 1659; sec. 3, Executive Order 11538, 3 CFR 1970 Comp., p. 139)

Issued in Washington, D.C., on October 7, 1971.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.71–15104 Filed 10–15–71;8:46 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (10–16–71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of gray partridge, sharptailed grouse, and pheasant on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted from sunrise to sunset November 22, 1971, through December 13, 1971, only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres of the total refuge area is delineated on a map available at the refuge headquarters, Upham, N. Dak. 58789, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of gray partridge, sharptailed grouse and pheasant subject to the following special condition:

(1) All hunters must exhibit their hunting license, game, and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 13, 1971.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak.

OCTOBER 7, 1971.

[FR Doc.71–15109 Filed 10–15–71;8:46 am]

PART 32—HUNTING

Bear Lake National Wildlife Refuge, Idaho

On page 18473 of the FEDERAL REGISTER of September 15, 1970, there was published a notice of a proposed amendment to 50 CFR 32.31. The purpose of this amendment is to provide public hunting of big game on Bear Lake National Wildlife Refuge, Idaho, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting of big game, it shall become effective upon publication in the FEDERAL REGISTER (10–16–71) (sec. 7, 80 Stat. 929, 16 U.S.C. 668dd(c)(d)).

1. Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

* * * * *

IDAHO

Bear Lake National Wildlife Refuge.

* * * * *

SPENCER H. SMITH,
Acting Director, Bureau of Sport Fisheries & Wildlife.

OCTOBER 13, 1971.

[FR Doc.71–15155 Filed 10–15–71;8:50 am]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (10–16–71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of deer on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted from 12 noon to sunset

November 12, 1971, and from sunrise to sunset November 13, 1971, through November 21, 1971, only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres, is delineated on a map available at the refuge headquarters, Upham, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) All hunters must exhibit their hunting license, deer tag, game, and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1971.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak.

OCTOBER 7, 1971.

[FR Doc.71-15108 Filed 10-15-71;8:46 am]

PART 32—HUNTING

Bear Lake National Wildlife Refuge, Idaho

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER (10-16-71).

§ 32.32 Special regulations; big game; for individual wildlife refuge area.

IDAHO

BEAR LAKE NATIONAL WILDLIFE REFUGE

Big game animals may be hunted on the Bear Lake National Wildlife Refuge, 802 Washington, Montpelier, Idaho.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of the refuge which are open to hunting are designated by signs and/or delineated on a map. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to this refuge are listed on the reverse side of a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1500 Northeast Irving Street, Portland, OR 97208.

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 27, 1971.

[FR Doc.71-15156 Filed 10-15-71;8:50 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Proposed Free and Restricted Percentages for 1971–72 Fiscal Year

Notice is hereby given of a proposal to establish, for the 1971–72 fiscal year, beginning August 1, 1971, free and restricted percentages of 29 and 71 percent, respectively, applicable to filberts grown in Oregon and Washington. The proposed percentages would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Filbert Control Board.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 15 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed percentages are based upon the following estimates for the 1971–72 fiscal year:

(1) Production of 13,060 tons;

(2) Total requirements for 1971 crop merchantable filberts of 3,151 tons, which is the sum of an inshell trade demand of 4,750 tons and provision for inshell handler carryover on July 31, 1972, of 500 tons, less the inshell handler carryover on August 1, 1971, of 2,099 tons not subject to regulation; and

(3) A total supply of merchantable filberts subject to regulation of 10,975 tons which is the estimated production of 13,060 tons, less 2,090 tons nonmerchantable production, plus 5 tons of carryin subject to regulation.

On the basis of the foregoing estimates, free and restricted percentages of 29 percent and 71 percent, respectively, appear to be appropriate for the 1971–72 season.

The proposal is as follows:

§ 982.221 Free and restricted percentages for merchantable filberts during the 1971–72 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1971:

Free percentage	29
Restricted percentage	71

Dated: October 12, 1971.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–15123 Filed 10–15–71;8:47 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 301]

INCOME TAX

Bonds and Other Evidences of Indebtedness; Notice of Hearing

Proposed regulations under sections 163, 451, 453, 454, 483, 591, 1012, 1016, 1037, 1232, and 6049 of the Internal Revenue Code of 1954, relating to bonds and other evidences of indebtedness, appear in the FEDERAL REGISTER for July 22, 1971 (36 F.R. 13605).

A public hearing on the provisions of these proposed regulations will be held on Wednesday, December 1, 1971, at 10 a.m., e.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202–964–3935. Under such § 601.601 (a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments should by November 17, 1971, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by November 24, 1971. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is twenty-five cents ($0.25) per page, subject to a minimum charge of $1.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.71–15224 Filed 10–15–71;9:28 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 381]

CARGO PREFERENCE FOR U.S.-FLAG VESSELS

Proposed Informal Grievance Procedure

The Assistant Secretary of Commerce for Maritime Affairs has under consideration the promulgation of regulations to be followed by all departments and agencies having responsibility under the Cargo Preference Act of 1954, section 901(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241(b)), in the administration of their programs with respect to that Act, as provided in section 27 of the Merchant Marine Act of 1970, Public Law 91–469. The first of such regulations are set forth in 46 CFR Part 381 (36 F.R. 6894, 10739, and 19253).

The Cargo Preference Act of 1954 provides that the appropriate agency or agencies shall take such steps as may be necessary and practicable to assure that at least 50 per centum of the gross tonnage of certain Government-generated cargoes which may be transported on ocean vessels shall be transported on privately owned U.S.-flag commercial vessels to the extent such vessels are available at fair and reasonable rates for U.S.-flag commercial vessels.

Problems sometimes arise regarding the terms and conditions of tenders, the shipping procedures of the different agencies, or the proper person in a given U.S. Government agency, foreign mission, embassy, or agency acting on behalf of a foreign government who should be contacted to obtain clarification of a matter. Letters of inquiry, even when answered promptly, often take too long to accomplish their purpose, and in some cases a telephone call or personal visit may not reach the person who is best able to afford assistance in a given case.

In view of the multiplicity of the parties involved, the diverse interests of those parties, and the need to resolve

disputes between the parties without inordinate delay, it appears necessary to establish a convenient forum where such problems can be efficiently and effectively resolved under an informal and simple procedure in which any person having a question, problem, or grievance, arising in connection with the administration of the Cargo Preference Act of 1954 may promptly obtain advice and assistance from the Maritime Administration or through the Maritime Administration from other U.S. Government agencies, foreign missions, embassies, or agencies acting on behalf of foreign governments having responsibilities under that Act.

Therefore, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 533) that the Assistant Secretary of Commerce for Maritime Affairs pursuant to sections 204(b), 212(d), and 901(b)(2) Merchant Marine Act, 1936, as amended, and the authority delegated to him by the Secretary of Commerce under section 3 of the Department Organization Order 10-8, 36 F.R. 1223, proposes to add the following regulation to the ones set forth in 46 CFR Part 381 (36 F.R. 6894, 10739, and 19253):

§ 381.7 Informal grievance procedure.

(a) Whenever any person has a question, problem, complaint, grievance, or controversy pertaining to the terms and conditions of any tenders, charter party terms, or other matter involving the administration of the Cargo Preference Act of 1954, such person may request the Maritime Administration to afford him an opportunity to discuss the matter informally with representatives of the Maritime Administration and, if other U.S. Government agencies or foreign missions, embassies, or agencies acting on behalf of a foreign government are involved with them or persons authorized to speak for them.

(b) In such cases, a request may be made by telephone or letter to the Chief, Office of Market Development, Maritime Administration, Washington, D.C. 20235, Area Code 202, phone 967-3325. When such a request has been received, the Assistant Secretary of Commerce for Maritime Affairs, or his designated representative, will promptly consider the matter on its merits and provide assistance if possible. If the matter cannot be resolved satisfactorily by the Maritime Administration, the Assistant Secretary, or his designated representative, will then arrange for a meeting at a time and place satisfactory to all interested parties so that the matter may be freely discussed and resolved.

(c) At such meetings, the Assistant Secretary of Commerce for Maritime Affairs, or his designated representative, may request any U.S. Government agency, foreign mission, embassy, or agency acting on behalf of a foreign government, or others having an interest in the matter to attend such a conference, or to send representatives authorized to speak for them. All such meetings and conferences will be conducted in an informal manner.

All interested persons are invited to submit their views and comments on the foregoing proposed regulation in writing to the Maritime Administration, Washington, D.C. 20235, on or before November 15, 1971. Except where it is requested that such communications not be disclosed, they will be considered to be available for public inspection.

Dated: October 12, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Administration.

[FR Doc.71-15157 Filed 10-15-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Regs. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Exclusion of Drugs Classified as "Ineffective" or "Possibly Effective" by the Food and Drug Administration

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the regulation set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulation relates to the exclusion from coverage under Medicare of drugs classified as "ineffective" or "possibly effective" by the Food and Drug Administration.

Prior to final adoption of the proposed regulation, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue SW., Washington, DC 20201.

The proposed regulation is to be issued under the authority contained in sections 1102, 1862, 1971, 49 Stat. 647 as amended, 79 Stat. 331, 42 U.S.C. 1302, 1395 et seq.

Dated: August 18, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: September 13, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Subpart C of Regulations No. 5 of the Social Security Administration (20 CFR 405.301 et seq.) is amended as follows:

Paragraph (k) of § 405.310 is revised to read as follows:

§ 405.310 Types of expenses not covered.

Notwithstanding any other provisions of this Part 405, no payment may be made for any expenses incurred for the following items or services:

* * * * *

(k) Items or services which are not reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member (thus, payment could not be made for the rental of a special hospital bed to be used by an individual in his home if it was not a reasonable and necessary part of the individual's treatment; and drugs with respect to which there has been published in the FEDERAL REGISTER an initial notice of classification by the Food and Drug Administration of "ineffective" or "possibly effective," and the administration of drugs so classified, are deemed not reasonable and necessary until the date on which any such classification of any such drug is removed by subsequent announcement in the FEDERAL REGISTER, except that a "possibly effective" drug and the administration thereof may be found reasonable and necessary when there is no alternate means of drug therapy.

[FR Doc.71-15133 Filed 10-15-71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 71-110]

COLD COMPRESSED GASES

Notice of Proposed Rule Making

The Coast Guard is considering amending the dangerous cargoes regulations to prohibit the carriage on board certain vessels of cold compressed gases that have a finite time for venting.

Interested persons are invited to submit written data, views or comments regarding the proposal to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591. Communications should

identify the notice number, 71–110, any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commentator. The Coast Guard will hold an informal hearing on January 11, 1972, at 9:30 a.m. in Conference Room 8332, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross examination of persons presenting statements. All communications received on or before January 18, 1972, or at the hearing, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the comments received.

By a separate document published at page 20166 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation proposes amendments to Parts 172, 173, and 179 of Title 49, Code of Federal Regulations, relating to the shipment of ethylene, hydrogen, methane, natural gas, and inhibited vinyl fluoride in a cold liquefied gas state in certain tank cars. For reasons fully stated in that document, the Board concluded that the shipment of compressed gases at low temperatures in insulated tank cars equipped with safety relief valves for venting is a safe method of transportation. Satisfactory special permit performance for several years supports this conclusion. The proposed amendment of the hazardous materials regulations of the Department of Transportation in Title 49 would make this proposed packaging available to shippers by water, air and land, and to carriers by air and land.

The Coast Guard has determined that a cold compressed gas having a finite time for venting is not suitable for carriage by all vessels. The finite time of the dangerous articles in question is 30 days at an ambient temperature of 90° F. Should a vessel be grounded or stranded with such articles aboard, it is possible that salvage operations could not take place before the elapsed finite time. More important, venting these articles on board a vessel having a restricted environment would be unsafe. Accordingly, the Coast Guard proposes to prohibit the carriage of liquefied ethylene, cold hydrogen chloride, liquefied methane, liquefied natural gas, and inhibited cold vinyl fluoride in tank cars on railroad car ferries and trainships. The prohibition would not extend to the carriage on carfloats of these articles in tank cars that comply with Department of Transportation regulations, as permitted by 46 CFR 146.10–4. This type of carriage by water is usually short-run and the usual problems of venting articles having a finite time are avoided. Any other packaging for these five articles would have to be approved by the Commandant.

The Coast Guard also proposes to prohibit the carriage of carbon dioxide in portable tanks (DOT 51). This container is not suitable for carriage by water because of its inability to provide an indefinite holding time for the articles.

A dangerous article with a finite time for venting is unsafe for carriage by water in a tank truck because of the venting problem. Accordingly, it was an error to allow the carriage of inhibited vinyl fluoride and carbon dioxide in 46 CFR 146.24–100. The Coast Guard now proposes to correct these entries.

In consideration of the foregoing, the Coast Guard proposes to amend Part 146 of Title 46, Code of Federal Regulations, as follows:

1. By amending § 146.04–5 by adding the following articles, in proper alphabetical sequence, to read as follows:

§ 146.04–5 List of explosives and other dangerous articles and combustible liquids.

Article	Classed as—	Label required
* * *	* * *	* * *
Ethylene, liquefied	Not permitted	
* * *	* * *	* * *
Hydrogen chloride, cold	Not permitted	
* * *	* * *	* * *
Methane, liquefied	Not permitted	
* * *	* * *	* * *
Natural gas, liquefied	Not permitted	
* * *	* * *	* * *
Vinyl fluoride, inhibited cold.	Not permitted	
* * *	* * *	* * *

§ 146.24–100 [Amended]

2. By amending § 146.24–100 for the article "carbon dioxide" as follows:

a. By amending the fourth column by revoking the following entries:

(1) "Tank cars complying with DOT regulations (trainships only)."

(2) "Motor vehicle tank trucks complying with DOT regulations (trailerships and trainships only)."

(3) "Portable tanks (DOT 51) not over 8,000 lbs. gr. wt."

b. By revoking the entries in the sixth column.

c. By revoking the entries in the seventh column.

3. By amending § 146.24–100 for the article "vinyl fluoride, inhibited" as follows:

a. By amending the seventh column by revoking "Authorized for stowage 'On deck in open' only:" and the two entries which follow it.

This proposal is made under the authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: October 8, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71–15023 Filed 10–15–71;8:45 am]

Hazardous Materials Regulations Board

[49 CFR Parts 172, 173, 179]

[Docket No. HM–91; Notice No. 71–25]

TRANSPORTATION OF HAZARDOUS MATERIALS

Cold Compressed Gases in Tank Cars

The Hazardous Materials Regulations Board is considering amendment of the Department's Hazardous Materials Regulations to provide for the shipment of ethylene, hydrogen, methane, natural gas, and inhibited vinyl fluoride in a cold liquefied gas state in certain tank cars.

The movement of several liquefied compressed gases at low temperatures in insulated tank cars equipped with safety relief valves to permit venting, if the commodity remains in the tank for an extended period of time, has proved to be a safe method of transportation. Under the provisions of § 173.314, inhibited vinyl fluoride is authorized to be so shipped in certain tank cars with start-of-shipment commodity temperature of not over 0° F. Each tank is required to be insulated to insure that at least 30 days will pass before the pressure of the contents reaches the level of the safety relief valve setting.

For several years, these commodities have been transported under similar conditions, authorized by special permits. The experience reported by the special permit holders relating to the changes proposed has been satisfactory.

This proposal is based on a petition to incorporate the terms of these permits into the regulations. The proposal also would amend the regulations relating to conditions for transportation of inhibited vinyl fluoride, and those relating to present specification requirements for certain insulated tank cars. In addition, new tank car specifications 113C120W and 113D120W would be added to the regulations.

The petition for rule change also included a request to amend the regulations to allow the shipment of cold anhydrous ammonia in a proposed specification 119A60W tank car, and to provide proposed new specifications 113B60W, 113C60W, and 113D60W. The small amount of experience obtained under special permits thus far for these items is considered too limited to serve as a basis for rule change. In addition, actual operating difficulties encountered with the proposed 113D60W specification tank car have raised serious doubts regarding use of the "60-pound car". The Board, therefore, is not proposing these requested changes at this time.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 172, 173, and 179 as follows:

I. Part 172:

In § 172.5 paragraph (a), the Commodity List would be amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemption and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(add)				
Ethylene, liquefied	F.G.	No exemption, 173.317	Red gas	Not accepted.
Hydrogen chloride, cold	Nonf. G.	No exemption, 173.317	Green	Do.
Methane, liquefied	F.G.	No exemption, 173.317	Red gas	Do.
Natural gas, liquefied	F.G.	No exemption, 173.317	do	Do.
Vinyl fluoride, inhibited, cold	F.G.	No exemption, 173.317	do	Do.

* * * * *

II. Part 173:

(A) In Part 173 Table of Contents, § 173.317 would be added to read as follows:

Sec.

173.317 Cold compressed gases in tank cars where venting is undesirable, but which will vent if left indefinitely.

(B) In § 173.314 paragraph (c) Table, the following entry would be deleted:

Vinyl fluoride, inhibited	58			DOT–105A600W, Note 17"

Note 17 following the table would be canceled.

(C) Section 173.317 would be added to read as follows:

§ 173.317 Cold compressed gases in tank cars where venting is undesirable, but which will vent if left indefinitely.

(a) Cold compressed gases must be shipped as provided in § 173.314 (b) and (e), § 173.432, and the following table:

Kind of gas	Filling density percent—note 4		Maximum shipping pressure—note 1 (p.s.i.g.)	Required tank car, notes 2, 3, 5, 6, 7
	Maximum	Minimum		
Ethylene, liquefied	51.1	45.9	25	DOT–113C120W, DOT–113D120W.
Hydrogen, chloride, cold	89.0	89.1	80	DOT–105A600W.
Methane, liquefied	38.3	34.4	10	DOT–113C120W.
Natural gas, liquefied	38.3	34.4	10	DOT–113C120W.
Vinyl fluoride (inhibited), cold	59.6	53.6	115	DOT–105A600W.

NOTE 1: The maximum shipping pressure is that pressure which must not be exceeded when car is offered for transportation.
NOTE 2: The loading temperature must not be colder than the minimum temperature stenciled on the jacket.
NOTE 3: Special commodity stencil is required.
NOTE 4: The liquid portion of the cold compressed gas must not completely fill the tank at a temperature that will result in a pressure equal to the start-to-discharge pressure of the safety relief valve. For definition of filling density see § 173.314(c) Note 1.
NOTE 5: Prior to return of empty cars, liquid must be drained from cars and pressure must be reduced to less than 10 p.s.i.g.
NOTE 6: For special commodity requirements see § 179.102 and § 173.402.
NOTE 7: The shipper shall notify the Bureau of Explosives whenever the car is not received by the consignee within 20 days after shipment.

III. Part 179:

(A) In Part 179 Table of Contents, Subpart F heading and §§ 179.400, 179.401 would be amended; § 179.402 would be added to read as follows:

Subpart F—Specifications for Insulated Tank Car Tanks Consisting of an Inner Container Supported Within an Outer Shell (Class DOT–113)

Sec.

179.400 General specifications applicable to cryogenic tank car tanks (minus 100° F. to minus 423° F.) with 30-day holding time, consisting of an inner container supported within an outer shell.

179.401 Individual specification requirements applicable to low temperature tank car tanks.

179.402 Special commodity requirements for low temperature tank car tanks.

(B) Section 179.102–4 would be amended; § 179.102–18 would be added to read as follows:

§ 179.102 Special commodity requirements for pressure tank car tanks.

§ 179.102–4 Vinyl fluoride, inhibited, cold.

(a) Tank cars used to transport cold vinyl fluoride, inhibited, must comply with the following special requirements:

(1) Each tank must comply with specification DOT–105A600W and must be designed for loading at 0° F.

(2) All plates for the tank, manway nozzle, and anchor must be made of steel complying with ASTM Specification A516–70, Grade 70, ASTM Specification A537–69, Grade A, or AAR Specification TC128–70, Grade B and further meeting the requirements of ASTM Specification A300–68, Class 1. However, impact specimens must be Type A Charpy V-notch as shown in ASTM Specification A370–68 and must meet the impact requirements at minus 50° F. Production welded test plates prepared as required by W4.00 of AAR Specifications for Tank Cars, Appendix W, must include impact test specimens of weld metal and heat affected zone, prepared and tested in accordance with W9.00 of AAR Specifications for Tank Cars, Appendix W, and these must meet the same impact requirements as the plate material at minus 50° F.

(3) Insulation must be of approved material and must be self-extinguishing.

(4) Tank must be equipped with one safety relief valve, set for the start-to-discharge pressure listed in § 179.101, and one safety vent of approved design, set to function at a pressure less than the tank test pressure, and not less than 75 percent of the tank test pressure. The discharge capacity of each of these safety relief devices must be sufficient to prevent building up pressure in tank in excess of 82½ percent of the tank test pressure.

(5) Each safety relief device must have its discharge piped to the outside of the protective housing.

(6) Excess flow valves must be applied under all liquid and vapor valves.

(7) Thermometer well must be applied.

(8) Gaging device is not required but may be applied. Fixed length dip tubes may be used for gaging.

(9) A pressure gage must be applied.

(10) No aluminum, copper, silver, zinc, or alloy of any of these metals shall be used in the tank construction, or fittings in contact with the lading.

(11) The jacket must be stenciled adjacent to the water capacity stencil with the minimum operating temperature of the car.

(12) The tank car and insulation must be designed to prevent the lading from increasing from the maximum allowable shipping pressure to the start-to-discharge pressure of the safety relief valve within 30 days at an ambient temperature of 90° F.

* * * * *

§ 179.102–18 Hydrogen chloride, cold.

(a) Tank cars used to transport cold hydrogen chloride must comply with the following special requirements:

(1) Each tank must comply with Specification DOT–105A600W and be designed for loading at minus 50° F.

(2) All plates for the tank, manway nozzle, and anchor must be made of steel complying with ASTM Specification A516–70, Grade 70, ASTM Specification A537–69, Grade A, or AAR Specification TC128–70, Grade B and further meeting the requirements of ASTM Specification A300–68, Class 1. However, impact specimens must be Type A Charpy V-notch as shown in ASTM Specification A370–68 and must meet the impact requirements at minus 50° F. Production welded test plates prepared as required by W4.00 of AAR Specification for Tank Cars, Appendix W, must include impact test specimens of weld metal and heat affected zone, prepared and tested in accordance with W9.00 of AAR Specifications for Tank Cars, Appendix W, and these must meet the same impact requirements as the plate material at minus 50° F.

(3) Tanks may be equipped with exterior cooling coils on top of the tank shell.

(4) Safety valves must be monel trimmed and must be equipped with frangible disc of silver, or teflon coated monel or tantalum. Discharge must be piped to outside of the protective housing.

(5) Loading and unloading valves must be Hastelloy B or C or monel trim, identified as "Vapor" or "Liquid". Excess flow valves must be applied under all liquid and vapor valves.

(6) Thermometer well must be applied.

(7) Sump in the bottom of the tank under liquid pipes must be applied.

(8) All gaskets must be teflon or teflon jacketed.

(9) Gaging device is not required but may be applied. Fixed length dip tubes may be used for gaging.

(10) Insulation must be of approved material and must be self-extinguishing.

(11) The jacket must be stenciled adjacent to the water capacity stencil "Minimum Operating Temperature ____ F".

(12) The tank car and insulation must be designed to prevent the lading from increasing from the maximum allowable shipping pressure to the start-to-discharge pressure of the safety relief valve within 30 days at an ambient temperature of 90° F.

(C) The Subpart F heading would be amended to read as follows:

Subpart F—Specifications for Insulated Tank Car Tanks Consisting of an Inner Container Supported Within an Outer Shell (Class DOT–113)

(D) Section 179.400 would be amended to read as follows:

§ 179.400 General specifications applicable to cryogenic tank car tanks (minus 100° F. to minus 423° F.) with 30-day holding time, consisting of an inner container supported within an outer shell.

§ 179.400–1 Tanks built under these specifications must meet the requirements of §§ 179.400, 179.401, and when applicable § 179.402.

§ 179.400–2 Approval.

For procedure for securing approval, see § 179.3.

§ 179.400–3 Type.

(a) Each tank built under these specifications must consist of an inner container suitably supported within an outer shell. The tank car must be equipped with piping systems for vapor venting and transfer of lading and with safety relief devices, controls, gages and valves prescribed herein.

(b) The annular space must contain a suitable insulation. Tanks must be circular in cross section, with heads designed convex outward. The permissible out of roundness of the cylindrical portion of the inner and outer shell must be no greater than that permitted in section VIII, division 1, of the ASME Boiler and Pressure Vessel Code (1968 Edition) Paragraph UG–80.

(c) When the tank is divided into compartments each compartment must be treated as a separate tank.

§ 179.400–4 Insulation.

(a) The insulation system must be such that the total heat transfer from the atmosphere at 90° F. to the lading at the average temperature between the maximum temperature at the time of shipment and the temperature at the safety valve start-to-discharge pressure does not exceed the value given in § 179.401–1(a). The insulation requirements are based upon a 30-day holding time. The total heat transfer must include the heat transferred through the insulation, support system and the piping.

(1) The permissible heat transfer is based upon the maximum filling density for the commodity as described in § 173.314(c) of this chapter and is calculated from:

$$q=0.004\ (U_2-U_1)\,D$$

where:

U_1 and U_2=internal energy in B.t.u./lb. for the combined liquid and vapor lading at the maximum shipping pressure and start-to-discharge pressure, respectively.

D=density of lading at start-to-discharge pressure, lb./gallon;

q=heat transfer, B.t.u./day/lb. water capacity.

Alternatively, the permissible heat transfer can be approximated by:

$$q=\frac{(h_2-h_1)\left(\frac{D}{8.328}\right)-\frac{144\,v\,(P_2-P_1)}{778}}{H.T.}$$

where:

h_2=enthalpy of liquid at start-to-discharge pressure, B.t.u./lb.;

h_1=enthalpy of liquid at maximum shipping pressure, B.t.u./lb.;

D=density of lading at start-to-discharge pressure, lb./gallon;

v=volume of 1 lb. of water=0.016 cu. ft./lb.;

P_2=start-to-discharge pressure, p.s.i.g.;

P_1=maximum shipping pressure, p.s.i.g.;

$H.T.$=holding time, days;

q=heat transfer, B.t.u./day/lb. water capacity.

(b) If the inner vessel is divided into compartments, the total heat transfer must be calculated for each compartment with adjoining compartments empty and at a temperature of 90° F.

(c) Insulation must be self-extinguishing as defined in ASTM D1692–68.

§ 179.400–5 Bursting and buckling pressure.

(a) The minimum required bursting pressure of the inner container is listed in § 179.401–1(a).

(b) If the insulation system is an evacuated type, the outer container must be designed in accordance with § 179.400–6(d) in addition to the loads specified in AAR Specifications for Tank Cars, AAR.23 and the loads transferred to the outer container through the support system.

§ 179.400–6 Thickness of plates.

(a) The wall thickness after forming of the inner container and 2:1 ellipsoidal heads must be not less than that specified in § 179.401–1(a), nor less than that calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where:

d=inside diameter in inches;

E=0.9 welded joint efficiency; also E=1.0 for seamless heads;

P=minimum required bursting pressure in p.s.i.;

S=minimum tensile strength of plate material in p.s.i. as prescribed in AAR Specifications for Tank Cars, Appendix M, Table M1;

t=minimum thickness of plate in inches after forming.

(b) The wall thickness after forming of inner container 3:1 ellipsoidal heads must be not less than specified in § 179.401–1(a), nor that calculated by the following formula:

$$t=\frac{Pd}{2SE}\times 1.83$$

where:

d=inside diameter inches;

E=0.9 welded joint efficiency; except E=1.0 for seamless heads;

P=minimum required bursting pressure in p.s.i.;

S=minimum tensile strength of plate material in p.s.i. as prescribed in AAR Specifications for Tank Cars, Appendix M, Table M1;

t=minimum thickness of plate in inches after forming.

(c) The wall thickness after forming of a flanged and dished head of the inner container must be not less than specified in § 179.401–1(a), nor less than that calculated by the following formula:

$$t=\frac{PL}{8SE}\left(3+\sqrt{L/r}\right)$$

where:

L=main inside radius to which head is dished, measured on concave side in inches;

E=0.9 welded joint efficiency; except E=1.0 for seamless heads;

P=minimum required bursting pressure in p.s.i.;

S=minimum tensile strength of plate material in p.s.i. as prescribed in AAR Specifications for Tank Cars, Appendix M, Table M1;

r=inside knuckle radius in inches;

t=minimum thickness of plate in inches after forming.

(d) For the outer container the wall thickness after forming of the shell and heads must be not less than 7/16 inch. In addition, if the annular space is to be evacuated, the cylindrical portion of the outer shell between heads or between stiffening rings, if used, must be designed to withstand an external pressure of 37.5 p.s.i.g. (critical collapsing pressure) as determined by the following formula:

$$P_c=\frac{2.6E\ (t/D)^{2.5}}{L/D-0.45\sqrt{(t/D)}}$$

where:

P_c=critical collapsing pressure (37.5 p.s.i. minimum);

E=modulus of elasticity of shell material in p.s.i.;

t=minimum thickness of shell material after forming in inches;

D=outside diameter of shell in inches;

L=distance between stiffening ring centers in inches. (The heads may be considered as stiffening rings located one-third of the head depth from the head tangent line.)

(e) If stiffening rings are used in designing the cylindrical portion of the outer shell for external pressure, they must be attached to the shell by means of fillet welds. Outside stiffening ring attachment welds must be continuous on each side of the ring. Inside stiffening ring attachment welds may be intermittent welds on each side of the ring with the total length of weld on each side not less than one-third of the circumference of the tank. The maximum space between welds must be eight times the tank wall thickness.

(1) A portion of the outer shell may be included when calculating the moment of inertia of the ring. The effective width of shell plate on each side of the attachment of the stiffening ring is given by the following formula:

$$W=0.78\sqrt{Rt}$$

where:

W=width of shell effective on each side of the stiffening ring in inches;
R=outside radius of the outer shell in inches;
t=plate thickness after forming of the outer shell in inches.

(2) Where a stiffening ring is used which consists of a closed section having two webs attached to the outer shell, the shell plate between the webs may be included up to the limit of twice the value of W defined above. The outer flange of the closed section must be subject to the same limitations with W based on the R and t of the flange. Where two separate members, such as two angles, are located less than $2W$ apart they may be treated as a single stiffening ring member. (The maximum length of shell plate which may be considered effective is $4W$.)

(3) The stiffening ring must have a moment of inertia large enough to support the critical collapsing pressure as determined by either of the following formulae:

$$I=\frac{0.035\,D^2LP_c}{E}$$

$$I'=\frac{0.046\,D^2LP_c}{E}$$

where:

I=required moment of inertia of stiffening ring about the centroidal axis parallel to the vessel axis in inches to the fourth power;
I'=required moment of inertia of combined section of stiffening ring and effective width of shell plate about the centroidal axis parallel to the vessel axis in inches to the fourth power;
D=outside diameter of the outer shell in inches;
L=one-half of the distance from the centerline of the stiffening ring to the next line of support on one side plus one-half of the distance from the centerline to the next line of support on the other side of the stiffening ring. Both distances are measured parallel to the axis of the vessel in inches. (A line of support is: (1) A stiffening ring which meets the requirements of this paragraph, or (2) a circumferential line of a head at one-third the depth of the head from the head tangent line.)
P_c=critical collapsing pressure (37.5 p.s.i.g. minimum);
E=modulus of elasticity of stiffening ring material in p.s.i.

(4) Where loads are applied to the outer shell or to stiffening rings from the support system used to support the inner container within the outer shell, additional stiffening rings or an increased moment of inertia of the stiffening rings designed for the external pressure must be provided to carry the support loads.

(f) Bottom of inner container may be equipped with a sump and siphon bowl welded or pressed into the shell. Such sumps or siphon bowls, if applied, are not limited in size. They must be made of cast, forged, or fabricated metal and be of good welding quality in conjunction with the metal of the inner container. When the sump and siphon bowl are pressed in the bottom of the shell, the wall thickness must not be less than that specified for the inner container. The section of a circular cross section inner container to which a sump and siphon bowl is attached need not comply with the out-of-roundness requirement specified in appendix W, W14.06 of the AAR Specifications for Tank Cars. Any portion of a sump and siphon bowl not forming a part of a cylinder of revolution must have walls of such thickness and be so reinforced that the stresses in the walls caused by a given internal pressure are no greater than the circumferential stress which would exist under the same internal pressure in the wall of a tank of circular cross section designed in accordance with § 179.400–6(a). However, the wall thickness must not be less than that specified in § 179.401–1(a).

§ 179.400–7 Materials.

(a) Plate material used to fabricate the inner container and appurtenances must be as specified in § 179.401–1(a). It must be suitable for use at the temperature of the lading and compatible with the lading.

(b) Carbon steel plate used to fabricate the outer shell and heads must comply with one of the following specifications and with the indicated minimum tensile strength and elongation in the welded condition. The maximum allowable carbon content must be 0.31 percent when the individual specification allows carbon content greater than this amount. The plates may be clad with other approved materials:

Specifications	Minimum tensile strength (p.s.i.) welded condition [1]	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM A 515–69, Gr. 55	55,000	23
ASTM A 515–69, Gr. 60	60,000	23
ASTM A 515–69, Gr. 65	65,000	23
ASTM A 515–69, Gr. 70	70,000	23
ASTM A 285–69, Gr. A	45,000	23
ASTM A 285–69, Gr. B	50,000	23
ASTM A 285–69, Gr. C	55,000	23
ASTM A 516–70, Gr. 55	55,000	23
ASTM A 516–70, Gr. 60	60,000	23
ASTM A 516–70, Gr. 65	65,000	23
ASTM A 516–70, Gr. 70	70,000	23
AARTC 128–70, Gr. A&B	81,000	19

[1] Maximum stresses to be used in calculations.

(1) All steel castings, steel forgings and steel structural shapes must be of material to an approved specification. See AAR Specifications for Tank Cars, appendix M, M4.05 for approved material specifications for castings for fittings.

(2) Rivets must be of steel as specified in AAR Specifications for Tank Cars, appendix M, M4.04.

§ 179.400–8 Tank heads.

(a) Tank heads of the inner container, compartments and outer shell must be of approved contour, and may be flanged and dished or ellipsoidal.

b) Flanged and dished heads must have a main inside dish radius not greater than the outside diameter of the straight flange. The inside knuckle radius must be not less than 6 percent of the outside diameter of the straight flange but in no case less than three times the head thickness.

§ 179.400–9 Compartment tanks.

(a) When two or more compartments are desired, the inner container must consist of two or more separate tanks each having two heads designed convex outward. If the tanks are joined together they must be connected by a cylinder made with plate of the same material as the vessels and having a thickness not less than that required for the tank shell. The joining cylinder must be applied to the outside surface of the tank head straight flanges with a tight fit. The cylinder must contact the head flange for a distance of at least two times the plate thickness, or a minimum of 1 inch, whichever is greater. The cylinder must be joined to the head flange by a full fillet weld. The distance from the head seam to cylinder must not be less than 1½ inches or three times the plate thickness, whichever is greater.

(b) Voids created by the space between inner tank heads joined together to form a compartment tank must be provided with at least one drain hole at their lowest point which must not be closed. Provisions must be made to avoid the transfer of insulation into or from this void.

(c) When two or more inner containers are provided, the outer shell may be divided into compartments.

§ 179.400–10 Welding.

(a) All joints must be fusion-welded in compliance with the requirements of AAR Specifications for Tank Cars, appendix W.

(b) Impact test specimens must be removed from the welded test plate (figure W1B of the AAR Specification for Tank Cars, appendix W) and subjected to the tests prescribed in § 179.401–1(a).

(c) All joints of the inner and outer containers must be double-welded butt joints, except closures for access openings. No more than two circumferential closing joints in the cylindrical portion of each outer container or compartment, including head to shell joints, may be single-welded butt joints using a backing strip on the inside of the joint. If the outer container is separated into two or more compartments by internal heads, the heads must be attached inside the outer shell by fillet welding as shown in

AAR Specifications for Tank Cars, appendix E.

§ 179.400–11 Postweld heat treatment.

(a) Postweld heat treatment of the inner container is not a specification requirement.

(b) The cylindrical portion of the outer shell with the exception of the circumferential closing seams must be postweld heat treated in accordance with the requirements of the AAR Specifications for Tank Cars, appendix W, W17.00. All items welded to this portion of the outer shell must be attached before postweld heat treatment. Welds securing the inner container support system to the outer shell, connections at piping penetrations, closures for access openings, and the tank heads at each end of the shell need not be postweld heat treated when it is not practicable due to final assembly procedures.

(c) When cold formed heads are used on the outer shell they must be heat treated before welding to shell if postweld heat treatment is not practicable due to assembly procedures.

§ 179.400–12 Support system for inner container.

(a) The inner container must be supported within the outer shell by a support system of approved design. The system and its areas of attachment to the outer shell must have adequate strength and ductility at operating temperatures to support the inner container when filled with lading to any level incident to transportation.

(b) The support system must be designed to be capable of supporting, without yielding, impact loads producing accelerations of the following magnitudes and directions when the inner container is fully loaded and the car is equipped with a conventional draft gear:

Longitudinal	7G
Transverse	3G
Vertical	3G

The longitudinal acceleration may be reduced to 3G where a cushioning device of approved design, which has been tested to demonstrate its ability to limit body forces to 400,000 pounds maximum at 10 miles per hour, is used between the coupler and the tank structure.

§ 179.400–13 Cleaning of inner container.

The interior of the inner container and all lines connecting to it must be thoroughly cleaned and dried. Proper precautions must be taken to avoid contamination of the system after cleaning.

§ 179.400–14 Radioscopy.

All longitudinal and circumferential joints of the inner container and all longitudinal and circumferential double-welded butt joints of the outer shell must be examined throughout their entire length in compliance with requirement of the AAR Specification for Tank Cars, appendix W, W19.00.

§ 179.400–15 Access to inner container.

(a) The inner container must be provided with a means of access having a minimum inside diameter of 16 inches. Reinforcement of the access opening must be made of the same material as used in the inner container. The access closure must be of an approved material and design.

(b) If a welded closure is used, it must be designed to allow it to be reopened by grinding or chipping and to be closed again by rewelding, preferably without a need for new parts. A cutting torch must not be used.

§ 179.400–16 Inner container piping.

(a) *Product lines.* The piping system for vapor and liquid phase transfer and venting must be made from material compatible with the product and having satisfactory properties at the lading temperature. The outlets of all vapor phase and liquid phase lines must be located so that accidental discharge from these lines will not impinge on any metal of the outer shell, car structures, trucks or safety appliances. Suitable provision must be made to allow for thermal expansion and contraction.

(1) *Loading and unloading line.* A liquid phase transfer line must be provided which will have a manually operated shutoff valve located as close as practical to the outer shell, plus a secondary closure that is liquid and gas tight. This closure must be such that trapped pressure will bleed off before the closure can be removed completely. A vapor trap must be incorporated in the line and located as close as practical to the inner shell.

(2) *Vapor-phase line.* A vapor-phase line of sufficient size to permit safety relief devices covered in § 179.400–18 connected to this line to operate at their design capacity without excessive pressure buildup in the tank must connect to the inner container. The vapor-phase line must have a manually operated shutoff valve located as close as practical to the outer shell, plus a secondary closure that is liquid and gas tight. This closure must be such that trapped pressure will bleed off before the closure can be removed completely.

(3) *Vapor phase blowdown line.* A blowdown line must be provided. It may be attached to the vapor-phase line specified in subparagraph (2) of this paragraph upstream of the shutoff valve in that line. A bypass line with a manually operated shutoff valve must be provided to permit reduction of the inner vessel pressure when the vapor-phase line is connected to a closed system. The discharge from this line must be outside the housing.

(b) *Pressure-building system.* Not a specification requirement. If a pressure-building system is provided for the purpose of pressurizing the vapor space of the inner container to facilitate unloading the liquid lading, the system must be of approved design.

§ 179.400–17 Control valves and gages.

(a) *Control valves.* Manually operated shutoff valves and control valves must be provided wherever needed for control of vapor-phase pressure, vapor-phase venting, liquid transfer, and liquid flow rates. All valves must be made from approved materials compatible with the product and having satisfactory properties at the lading temperature.

(1) Liquid control valves must be of extended stem design.

(2) Packing, if used in these valves, must be satisfactory for use in contact with the lading and must be of approved materials which will effectively seal the valve stem without causing difficulty of operation.

(3) Control valves and shutoff valves must be installed so that they can be readily operated. These valves must be mounted so that operation of the valves will not transmit excessive forces to the piping system.

(b) *Gages.* Instruments necessary for the effective and safe operation of the tank when transporting, transferring or storing the commodity for which the car is designed must be provided. Instruments, except portable instruments, must be securely mounted within suitable protective housings and must include the following:

(1) *Liquid-level gage.* Connections must be provided for a liquid-level gage of approved design to indicate the quantity of liquefied lading within the inner container. The gage, if not portable, must be mounted in a position where it will be readily visible to an operator during transfer operations or storage. This connection for a portable gage must be readily accessible.

(2) *Fixed-length dip tube.* A fixed-length dip tube must be provided with a manually operated shutoff valve located as close as possible to the outer shell and within a suitable housing. It must be installed to indicate the maximum liquid level for the allowable filling density. The inner end of the dip tube must be installed so that it is located on the longitudinal centerline of the tank and within 4 feet of the transverse centerline of the tank in either direction.

(3) *Vapor-phase pressure gage.* A vapor-phase pressure gage of approved design must be provided to indicate the vapor pressure within the inner container. The gages must be mounted so as to be readily visible to an operator.

§ 179.400–18 Safety relief devices.

(a) The tank must be provided with safety relief devices for the protection of the tank assembly and piping system. The discharge from these devices must be directed away from operating personnel, principal load bearing members of the outer shell, car structure, trucks, and safety appliances. Vent or weep holes in safety relief devices are prohibited. All main safety relief devices must discharge to the outside of the protective housings in which they are located. This provision does not apply to small safety relief

valves installed to protect isolated sections of lines between the final valve and end closure.

(b) Materials: Materials used in safety relief devices must be suitable for use at the temperature of the lading and must be compatible with the lading in the liquid or vapor phase.

(c) Inner container: Safety relief devices for the inner container must be attached to piping connected to the vapor phase of the inner container and mounted so as to remain at ambient temperature prior to operation. Additional requirements are as follows:

(1) *Safety vent.* The inner container must be equipped with a safety vent without an intervening shutoff valve and must be designed to function at the pressure specified in § 179.401–1(a). The safety vent capacity must be sufficient to limit the pressure within the inner container to not over the test pressure during all conditions of operation, both normal and abnormal, including fire with loss of vacuum, when the insulation space is filled with air or gaseous lading (whichever requires the greater capacity) at atmospheric pressure.

(2) *Safety relief valve.* The inner container must be equipped with a safety relief valve without an intervening shutoff valve and set to operate at the pressure specified in § 179.401–1(a). The safety relief valve capacity must be sufficient to limit the pressure within the inner container to the flow rating pressure specified in § 179.401–1(a) when the insulation space is filled with air or gaseous lading (whichever requires the greater capacity) at atmospheric pressure and the outer shell is at 130° F. The minimum size relief valve body must be three-fourths inch IPS. The relief valve discharge capacity must be calculated in accordance with AAR Specifications for Tank Cars, appendix A.

(3) *Evaporation control.* The routine release of vaporized lading must be controlled or prevented as specified in § 179.401–1(a).

(4) *Safety interlock.* Not a specification requirement. If a safety interlock is provided for the purpose of allowing transfer of lading at a pressure higher than the pressure control device setting but less than the safety relief valve setting, the design must be such that the safety interlock will not affect the discharge path of the safety relief valve or safety vent at any time. The safety interlock must automatically provide an unrestricted discharge path for the pressure control device at all times when the tank car is in transport service.

(d) Outer shell: The outer shell must be provided with a suitable safety relief device to prevent the buildup of annular space pressure in excess of the external pressure for which the inner container was designed, but not to exceed 16 p.s.i. The discharge capacity of the relieving device must be sufficient to vent pressure accumulating within the annular space. If a safety vent is used, it must be designed to prevent distortion of the frangible disc when the annular space is evacuated.

(e) Piping system: Additional safety relief valves must be installed in each piping circuit where the system can be isolated by closing the shutoff valve so that a dangerous pressure cannot be built up. These safety relief valves must be designed to open at a pressure sufficiently low to prevent damage to the component or system affected.

§ 179.400–19 Test of safety relief valves.

(a) Each valve must be tested by air or gas for compliance with § 179.401–1(a) before being put into service.

§ 179.400–20 Evacuated insulation.

(a) If the performance of the insulation depends on evacuation to meet the heat transfer requirements, the outer shell must be provided with fittings to permit effective evacuation of the annular space between the outer shell and the inner container.

(b) If an evacuated insulation system is used, connections must be provided for a vacuum gage of approved design to indicate the absolute pressure in the annular space. The gage, if not portable, must be mounted in a position where it will be readily visible to an operator. The connection for a portable gage must be readily accessible.

§ 179.400–21 Protective housings.

(a) All valves, gages, closures, and safety relief valves with the exception of secondary relief valves for the protection of isolated piping, must be enclosed within protective housings. The protective housings must be adequate to protect the enclosed components from direct solar radiation, mud, sand, adverse environmental exposure, and mechanical damage incidental to normal operation of the tank car. They must be designed so as to provide reasonable access to the enclosed components for operation, inspection, and maintenance, and so that vapor concentrations cannot build up to a dangerous level inside the housing in the event of valve leakage or safety relief valve operation. The enclosures must be operable by personnel wearing heavy gloves and must incorporate provisions for locks or seals. Protective housings and their covers must be constructed of metal not less than 0.119 inch in thickness.

§ 179.400–22 Test of tank.

(a) After all items to be welded to the inner container have been welded in place, the inner container must be pressure tested to the test pressure prescribed in § 179.401(a). The temperature of the pressurizing medium must not exceed 100° F. during the test. The container must hold the prescribed pressure for a period of not less than 10 minutes without leakage or evidence of distress. After the container has passed the pressure test, the container and piping must be emptied of all water and purged of all water vapor if water is used for testing.

(1) Calking of welded joints to stop leaks developed during the test is prohibited. Repairs to welded joints must be made as prescribed in AAR Specifications for Tank Cars, appendix W.

(b) Pressure testing of the outer shell is not a specification requirement.

§ 179.400–23 Operating instructions.

(a) All valves and gages must be clearly identified with corrosion resistant nameplates. A plate of corrosion-resistant material bearing precautionary instructions for the safe operation of the equipment during storage and transfer operations must be securely mounted where it will be readily visible to an operator. Such an instruction plate must be mounted in each housing containing operating equipment and controls for product handling. These instruments must include a diagram of the tank and its piping system with its various gages, control valves, and safety relief devices clearly identified and located.

§ 179.400–24 Stamping.

(a) To certify that the tank complies with all specifications requirements, each tank must be plainly and permanently stamped in letters and figures at least three-eighth inch high into the metal near the center of the head of the outer shell at the "B" end of the car as follows:

	Example of required stamping
Specification	Dot–113A60W.
Minimum loading temperature.	Minus 423° F.
Inner container	Inner container.
Material	ASTM A–240–304.
Shell thickness	Shell 3/16 inch.
Head thickness	Head 3/16 inch.
Inside diameter	ID 107 inches.
Tank builder's initials	ABC.
Date of original test and initials of party conducting original test.	00–0000GHK.
Water capacity	00000 lbs.
Outer shell	Outer shell.
Car assembler (if other than tank builder).	DEF.
Material	ASTM A515–70
Tank builder's initials	XYZ.

(b) Any marking, stenciling, or stamping on the shell or heads of the inner container is prohibited.

(c) In place of the stamping required by paragraph (a) of this section, the specified markings may be incorporated on a data plate of corrosion-resistant metal fillet welded in place on the head of the outer shell at the "B" end of the car.

§ 179.400–25 Stenciling.

(a) The outer shell of the tank must be stenciled in compliance with the requirements of AAR Specifications for Tank Cars, appendix C.

(1) The date on which the frangible disc was replaced and the initials of the party making the replacement must be stenciled on the outer shell in letters and figures 1 inch high.

(2) The name of the commodity, followed by the word "ONLY" must be indicated by stenciling in letters 1½ inches high on the outer shell immediately adjacent to the housing containing the control valves.

(3) The minimum loading temperature and maximum lading weight must be stenciled in letters at least 1½ inches high adjacent to the commodity name stencil.

(4) Water capacity stencil is required.

nances are as follows:

(b) If an evacuated insulation system is required in order to meet the heat transfer requirements, the outer shell must be stenciled "VACUUM JACKETED" in letters 1½ inches high below the car classification.

§ 179.400–26 Certificate of construction.

(a) See § 179.5

(D) Section 179.401 would be amended to read as follows:

§ 179.401 Individual specification requirements.

(a) In addition to § 179.400 the individual specification requirements for the inner container and its appurtenances are as follows:

DOT Specification	113A60W	113A175W	113C120W	113D120W
Lading temperature (minimum F)	−423	−423	−260	−155
Material (see § 179.400-7(a))	179.401-3	179.401-3	179-401-3	179-401-4
Impact tests (welds and plate material [1])	Required	Required	Not required	[4] Required
Impact test valves	179.401-3(a)(1)	179.401-3(a)(1)	Not required	179.401-4(a)(1)
Maximum heat transfer (B.t.u. per day per lb. of water capacity max.) (see § 179.400-4(a))	179.402-1(a)	179.402-1(a)	[2] 0.4121	[3] 0.3641
Bursting pressure p.s.i.	240	440	300	300
Minimum plate thickness inches:				
Shell (see § 179.400-6(a))	3/16	5/16	3/16	3/16
Heads (see § 179.400-6(a), (b), and (c))	3/16	5/16	3/16	3/16
Test pressure p.s.i. (see § 179.400-22(a))	60	175	120	120
Safety vent bursting pressure (max. p.s.i.)	60	175	120	120
Valve start-to-discharge pressure p.s.i. (±3 p.s.i.)	30	115	75	75
Valve vapor tight pressure (minimum p.s.i.)	24	95	60	60
Valve flow rating pressure (maximum p.s.i.)	40	125	85	85
Pressure control device Start-to-vent (max. p.s.i.)	17	17	Not required	Not required
	179.402-1(b)	179.402-1(b)		
Relief device discharge restrictions (see § 179.400-18)	179.401-2	179.401-2	179.401-2	179.401-2
Transfer line insulation (see § 179.400-16(a)(1))	179.401-5	179.401-5	Not required	Not required

[1] Impact tests for test plate welds and plate material used for inner container and appurtenances must be in accordance with AAR Specifications for Tank Cars, Appendix W, W9.00.
[2] Determined for liquid methane at a maximum shipping pressure of 10 p.s.i.g. and a start-to-discharge pressure of 75 p.s.i.g.
[3] Determined for liquid ethylene at a maximum shipping pressure of 25 p.s.i.g. and a start-to-discharge pressure of 75 p.s.i.g.
[4] See § 179.401-4.

§ 179.401–2 Safety relief device discharge restrictions.

The discharge from all main safety relief devices and the vapor-phase blowdown line must discharge to the outside of the protective housing and must be directed upward and away from operating personnel. This provision does not apply to small safety relief valves installed to protect isolated sections of lines between the final valve and end closure.

§ 179.401–3 Material.

(a) High-alloy steel plate used for the inner container and its appurtenances must be Type 304 or 304L, as specified in AAR Specifications for Tank Cars, appendix M, M3.03(a). The plate must be in the annealed condition prior to fabricating, forming, and fusion welding.

(1) Impact tests of plate material must be longitudinal specimens. Impact test specimens from test plate welds and from plate material used for inner container and appurtenances must have impact test values not less than those specified in AAR Specifications for Tank Cars, appendix W, W9.01, at the minimum lading temperature.

(b) Nickel-alloy steel plate used for the inner container and appurtenances must be 9 percent nickel steel as specified in AAR Specifications for Tank Cars, appendix M, M3.05. The plate material must be either quenched and tempered or double normalized and tempered prior to fabricating, forming, and welding, except parts, including heads, that are heated for forming must be heat treated after forming in accordance with the procedure established in ASTM Specification A353–70 or A553–70. If the hot forming of double normalized and tempered material is performed after heating to a uniform temperature within the range of 1650° to 1750° F., the first normalize from 1650° F. may be omitted.

(1) Impact tests must be conducted at minus 175° F. for specification DOT–113D tank cars. Impact test specimens from plate material used for inner container and appurtenances must be transverse specimens and must meet the requirements shown in the following table. Impact test specimens from test plate welds must also meet the requirements shown in the following table. All impact tests must be made in accordance with W9.01 of appendix W of the AAR Specifications for Tank Cars. The report of impact test results required in W9.01(f) must include the lateral expansion data.

Size of specimen mm	Minimum impact value required for average of each set of 3 specimens (ft.-lb.) at minus 175° F.	Minimum impact value permitted on 1 specimen only of each set of 3 specimens (ft.-lb.) at minus 175° F.
10 x 10	35	20
10 x 7.5	30	17
10 x 6.6	28	16
10 x 5	24	14
10 x 2.5	12	6

NOTE: For all specimen sizes, the lateral expansion opposite the notch must be at least 0.015 inch (15 mils). If the value of lateral expansion for one specimen is below 0.015 inch, but not below 0.010 inch, and if the average value for the three specimens is not less than 0.015 inch, a retest of three additional specimens may be made, each of which must equal or exceed the specified minimum value of 0.015 inch. If the required values are not obtained upon retest, or if the values on the initial test are below the minimum required for retest, the plate may be reheat treated. After reheat treatment, a set of three specimens must be made, each of which must equal or exceed the specified minimum value of 0.015 inch.

(c) In place of nickel-alloy steel plate, high-alloy steel plate in compliance with paragraph (a) of this section may be used. When high-alloy steel plate is used in place of nickel-alloy steel plate, impact tests for specification DOT–113D tanks are not required.

(1) High-alloy steel plate may not be used to form a part of an inner container otherwise fabricated from nickel-alloy steel plate.

§ 179.401–4 Transfer line insulation.

(a) The loading and unloading line specified in § 179.400–16(a)(1) must be vacuum jacketed between the outer shell and the shutoff valve. The shutoff valve must be vacuum jacketed.

(E) Section 179.402 would be added to read as follows:

§ 179.402 Special commodity requirements for low-temperature tank car tanks.

(a) In addition to §§ 179.400 and 179.401 the following requirements are applicable:

§ 179.402–1 Hydrogen, liquefied.

(a) Tank cars used to transport liquefied hydrogen must have an insulation system such that the total heat transfer from the atmosphere at 90° F. to hydrogen at atmospheric pressure will not vaporize more than 5.2 pounds of liquified hydrogen per hour (1,000 standard cubic feet per hour) when the car is stationary.

(b) Tank cars used to transport liquefied hydrogen must have inner container equipped with an approved device to prevent the discharge of a mixture exceeding 50 percent of the lower flammable limit to the atmosphere under normal conditions of storage and transport. This device must be set to start-to-discharge at a pressure not greater

than 17 p.s.i. and must have sufficient capacity to limit the pressure within the inner container to 17 p.s.i. when the discharge is equal to twice the normal venting rate during transportation with normal vacuum and the outer shell at 130° F.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before January 18, 1972, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of Title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on October 8, 1971.

MAC E. ROGERS,
Board Member, for the
Federal Railroad Administration.

[FR Doc.71-15022 Filed 10-15-71;8:45 am]

[49 CFR Part 173]

[Docket No. HM-92; Notice No. 71-26]

TRANSPORTATION OF HAZARDOUS MATERIALS

Retest Requirements for Tank Cars

The Hazardous Materials Regulations Board is considering amendment of §§ 173.31 and 173.119 of the Department's Hazardous Materials Regulations to delete reference to the specification ARA–II tank car and to update the tank car retest requirements.

A number of the specifications listed are for tank cars known to be quite old. Conclusive information that such tanks may no longer be in use in transportation is requested. The 50–year prohibition on car age has removed ARA–II from interchange and for this reason, reference to that specification is proposed to be deleted from § 173.31(a)(2) Table, Retest Table 1, and § 173.119 (f)(4) and (h).

The tank car Retest Table 1 in § 173.31 would be revised to (1) provide for new tank car specifications that have been proposed in HM–89; Notice No. 71–23 (36 F.R. 13405), HM–90; Notice No. 71–24 (36 F.R. 16680), and HM–91; Notice No. 71–25 (36 F.R. 20166); (2) provide for correct references for converted cars; and (3) provide retest requirements for some specifications which are in the regulations but for which requirements were never included in the table.

In consideration of the foregoing, 49 CFR Part 173 would be amended as follows:

(A) In § 173.31, paragraph (a)(2) Table would be amended by deleting Spec. ARA–II each time it appears in the table; paragraph (c)(3) would be amended; paragraphs (c)(11) and (12) would be added; Retest Table 1 would be amended in its entirety and replaced to follow paragraph (c)(12), footnote *b* would be amended and footnotes *q* and *r* would be added to read as follows:

§ 173.31 Qualification, maintenance, and use of tank cars.

* * * * * * *

(c) * * *

(3) Unless longer retest interval is authorized, tanks in service 10 years or over must be internally inspected and interior heater systems inspected for defects which would make leakage or failure probable during transit.

* * * * *

(11) Any glass, rubber, or lead-lined tank need not be periodically retested, but the interior heater systems and safety relief valves must be retested at the prescribed interval. See also subparagraph (9) of this paragraph.

(12) Any tank lined with an elastomeric polyvinyl chloride at least 3/32-inch thick need not be periodically retested, but the heater systems and safety relief valves must be retested at the prescribed intervals. The tank must be retested before lining is renewed.

RETEST TABLE 1

Specification	Retest interval years [1]				Retest pressure-psi		
	Tank and interior heater systems			Safety relief valve	Tank	Safety relief valve	
	Up to 10 years	Over 10 to 22 years	Over 22 years			Start to discharge	Vapor tight
DOT-103	10	10	10	10	60	[2]35	28
103AL		5	5	5	60	35	28
103W		[3]20	10	10	60	[2]35	28
103ALW	10	10	10	10	60	35	28
103A	[4]5	3	1	2	60	35	28
103AW	[4]5	3	1	2	60	35	28
103A-ALW	[4]5	3	1	(6)	60	[5]35	28
103ANW	[4]5	3	1	2	60	35	28
103B	[7]5	[7]3	[7]1	None	60		
103BW	[7]5	[7]3	[7]1	None	60		
103B100W	[7]5	[7]3	[7]1	(6)	100	75	60
103C	5	3	1	(6)	100	75	60
103CAL		2	1	(6)	60	60	
103CW	[4]5	3	1	(6)	60	[5]35	28
103DW	[4]5	3	1	(6)	60	35	28
103EW	[4]5	3	1	(6)	60	35	28
104	10	10	10	10	60	[2]35	28
104A	10	10	10	5	100	75	60
104W		[3]20	10	10	60	[2]35	28
105			[8]10	[8]5	500	[9]225	150
105A100	10	10	10	5	100	75	60
105A100ALW	10	10	10	5	100	75	60
105A100W	10	10	10	5	100	75	60
105A200ALW	10	10	10	5	200	150	120
105A200F	10	10	10	5	200	150	120
105A200W	10	10	10	5	200	150	120
105A300	[8]10	[8]10	[8]10	[8]5	300	[9]225	150
105A300ALW	10	10	10	5	300	225	150
105A300W	[8][11]10	[8][11]10	[11]10	[8][11]5	300	[9][10]225	[10]150
105A400	[8]10	[8]10	[8]10	[8]5	400	300	240
105A400W	[8]10	[8]10	[8]10	[8]5	400	[10]300	240
105A500	[8]10	[8]10	[8]10	[8]5	500	[5]375	300
105A500W	[8][11]10	[8][11]10	[8][11]10	[8][11]5	500	[5]375	300
105AC00	[8]10	[8]10	[8]10	[8]5	600	450	360
105AC00W	[8]10	[8]10	[8]10	[8]5	600	[10]450	360
109A100ALW	10	10	10	5	100	75	60
109A200ALW	10	10	10	5	200	150	120
109A300ALW	10	10	10	5	300	225	150
109A300W	10	10	10	5	300	225	150
111AC60ALW1	10	10	10	10	60	35	28
111AC60ALW2	[4]5	3	1	(6)	60	35	28
111AC60F1	10	10	10	10	60	35	28
111AC60W1		[3]20	10	10	60	35	28
111AC60W2 [12]	5	3	1	2	60	35	28
111AC60W5	5	3	1	None	60		
111AC60W7	5	3	1	(6)	60	35	28
111A100ALW1	10	10	10	10	100	75	60
111A100ALW2	5	3	1	(6)	100	75	60
111A100F1		10	10	10	100	75	60
111A100W1		[3]20	10	10	100	75	60
111A100F2 [12]	5	3	1	2	100	75	60
111A100W2 [12]	5	3	1	2	100	75	60
111A100W3		[3]20	10	10	100	75	60
111A100W4	10	10	10	5	100	75	60
111A100W5	[7]5	[7]3	[7]1	None	100		
111A100W6	[4]5	3	1	(6)	100	75	60
112A200W	10	10	10	5	200	150	120
112A340W	10	10	10	5	340	[10]235	[10]204
112A400F		10	10	5	400	300	240
112A400W	10	10	10	5	400	[10]300	[10]240
112A500W	[8]10	[8]10	[8]10	5	500	[5]375	300
113AC60W	(13)	(13)	(13)	(13)	(13)	(13)	(13)
113A175W	(13)	(13)	(13)	(13)	(13)	(13)	(13)
113C120W	(13)	(13)	(13)	(13)	(13)	(13)	(13)
113D120W	(13)	(13)	(13)	(13)	(13)	(13)	(13)
114A340W	10	10	10	5	340	[10]235	[10]204
114A400W	10	10	10	5	400	[10]300	[10]240
115AC60ALW	10	10	10	5	60	35	28
115AC60W1	10	10	10	5	60	35	28
115AC60W6	10	10	10	5	60	35	28

See footnotes at end of table.

RETEST TABLE 1—Continued

Specification	Retest interval years [b]				Retest pressure-psi		
	Tank and interior heater systems			Safety relief valve	Tank	Safety relief valve	
	Up to 10 years	Over 10 to 22 years	Over 22 years			Start to discharge	Vapor tight
EMERG. USG-A, B & C		10	10	10	60	25	
ARA-III			10	10	60	[e]25	20
III acid (unlined)			1	None	60		
III (rubber lined)			(f)	None	60		
IV			10	10	60	[e]25	20
IV-A			10	5	100	[e]35	28
V			[e]10	[e]5	300	[e]225	180

[b] Specifications 103CW and 103A-ALW cars built prior to Aug. 31, 1956, equipped with safety relief valves set to discharge at 45 p.s.i., may be continued in service. Such valves may be set to discharge at 35 p.s.i. by installing a spring suitable for the lower pressure. Specifications 103A-ALW and 103CW tank cars used to transport anhydrous hydrazine may have a safety relief valve having a start to discharge pressure of 45 p.s.i. with a tolerance of plus or minus 3 p.s.i. and a vapor tight pressure of 36 p.s.i.

[e] When tanks are converted to class DOT-111AW2 or F2 from existing pressure type tanks, the retest interval must be computed from the date converted instead of the date built. The conversion date must be stenciled on the tank below the built date.

[f] When tanks are converted to class DOT-103AW from existing DOT-103W tanks, the retest interval at conversion must be computed the same as 10-year-old equipment.

§ 173.119 [Amended]

(B) In § 173.119, paragraphs (f) (4) and (h) would be amended by deleting "Spec. ARA–II" each time it appears in the paragraphs.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before January 18, 1972, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of Title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on October 8, 1971.

G. H. READ,
Captain, Alternate Board Member for the United States Coast Guard.

MAC E. ROGERS,
Board Member for the Federal Railroad Administration.

[FR Doc.71-15021 Filed 10-15-71;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. R-430]

[18 CFR Parts 101, 104, 105, 141, 154, 201, 204, 205, 260]

UNIFORM SYSTEMS OF ACCOUNTS FOR PUBLIC UTILITIES, LICENSEES, AND NATURAL GAS COMPANIES AND RELATED REPORT FORMS

Notice of Proposed Rule Making

OCTOBER 8, 1971.

Amendments to the Uniform Systems of Accounts for Public Utilities and Licensees and Natural Gas Companies (All Classes) and to Related Report Forms Concerning Contributions in Aid of Construction, Docket No. R–430.

Pursuant to 5 U.S.C. 553, the Commission gives notice it proposes to amend and revise effective for the reporting year 1971:

A. Certain accounts in the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees, prescribed by Part 101, Chapter I, Title 18, CFR.

B. Certain accounts in the Uniform System of Accounts for Class C Public Utilities and Licensees, prescribed by Part 104, Chapter I, Title 18, CFR.

C. Certain accounts in the Uniform System of Accounts for Class D Public Utilities and Licensees, prescribed by Part 105, Chapter I, Title 18, CFR.

D. Certain accounts in the Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Chapter I, Title 18, CFR.

E. Certain accounts in the Uniform System of Accounts for Class C Natural Gas Companies, prescribed by Part 204, Chapter I, Title 18, CFR.

F. Certain accounts in the Uniform System of Accounts for Class D Natural Gas Companies, prescribed by Part 205, Chapter I, Title 18, CFR.

G. Certain regulations prescribed by § 141.1 in Part 141 of Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18, CFR.

H. Certain terminology in §154.63, Part 154 of Subchapter E—Regulations Under the Natural Gas Act, Chapter I, Title 18, CFR.

I. Certain regulations prescribed by § 260.1 in Part 260 of Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18, CFR.

J. Certain schedule pages of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B), prescribed by § 141.1, Chapter I, Title 18, CFR.

K. Certain schedule pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, Chapter I, Title 18, CFR.

L. Certain schedule pages of FPC Form No. 1–F, Annual Report for Public Utilities and Licensees (Class C and Class D), prescribed by §141.2, Chapter I, Title 18, CFR.

M. Certain schedule pages of FPC Form No. 2–A, Annual Report for Natural Gas Companies (Class C and Class D) prescribed by §260.2, Chapter I, Title 18, CFR.

N. Certain schedule pages of FPC Form No. 1–M, Annual Report for Municipal Electric Utilities Having Annual Electric Operating Revenues of $250,000 or More prescribed by § 141.7 Chapter I, Title 18, CFR.

O. Certain schedule pages of FPC Form of Initial Cost Statement for Licensed Projects (Form No. 6), prescribed by § 141.11, Chapter I, Title 18, CFR.

P. Certain schedule pages of FPC Form No. 9, Annual Report Form for Licensees of Privately Owned Major Projects (Utility and Industrial), prescribed by § 141.13, Chapter I, Title 18, CFR.

Essentially, we are proposing to (1) eliminate account 271, Contributions in

Aid of Construction (Account 271) from the Uniform Systems of Accounts, (2) prescribe disposition of the related balances, and (3) prescribe accounting treatment for amounts relating to contributions in aid of construction in the future. This account continues to accumulate with no means of extinguishment. Large amounts of the balances relate to property no longer in existence. We propose to eliminate the account and dispose of its balance by one of two means referred to hereinafter as Proposal A and Proposal B.

Proposal A. Under this proposal we would delete Account 271 from the Uniform Systems of Accounts and transfer the balances therein relating to plant in service to the applicable property investment account of plant in service. The amounts accumulated in Account 271, which are related to depreciable property which is no longer in service shall be credited to Account 108, Accumulated Provision for Depreciation of Electric (Gas) Plant in Service. Amounts accumulated in Account 271, which is related to nondepreciable type property which is no longer in service shall be credited to Account 111, Accumulated Provision for Amortization of Electric Plant in Service, for electric utilities, and to Account 111.1, Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights, for natural gas utilities.[1] Account 271, Contributions in Aid of Construction would be eliminated from the Uniform Systems of Accounts. Any future contributions in aid of construction shall be credited to the appropriate plant in service accounts when booked. Additionally, each work order concerned with contributions in aid of construction shall contain full information concerning the contribution to include purpose of each contribution, the conditions, if any, upon which it was made, the amount of the contribution from (a) States, (b) municipalities, (c) customers, and (d) others.

Proposal B. Under this proposal we would delete Account 271 from the Uniform Systems of Accounts and transfer the balances therein by crediting these amounts to Account 108, Accumulated Provision for Depreciation of Electric (Gas) Plant in Service. Those amounts of contributions in aid of construction found in Account 271, which have been devoted to nondepreciable type items will be credited to Account 111, Accumulated Provision for Amortization of Electric Plant in Service, for electric utilities, and to Account 111.1, Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights, for natural gas utilities.[1] Account 271, Contributions in Aid of Construction would be eliminated from the Uniform Systems of Accounts. Any future contributions in aid of construction will be credited to Account 108 or 111 (111.1), as appropriate.

[1] For Class A and B companies. Corresponding accounts would be utilized for Class C and D electric and natural gas companies.

Those amounts presently found in Account 271 which relate to property that has been fully retired or abandoned will be credited in a lump sum to Account 108 or 111 (111.1), as appropriate. Identification of these amounts with related property will no longer be required, other than for the amounts relating to licensed project property. The amounts relating to any and all property, abandoned or otherwise, credited to Account 108 or 111, as appropriate, which relate to licensed projects, will continue to follow the rigid requirement of "The records supporting the entries to this account shall be so kept that the utility can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made, the amount of donations from (a) States, (b) municipalities, (c) customers, and (d) others, * * *", as long as the licensed project remains in a federally regulated status.

In proposing this new accounting requirement (Proposal B), it will, of necessity, follow that contributions in aid of construction be proposed for elimination from the depreciation base when computing annual depreciation. This is necessary to reduce a doubling of credits to Account 108 by the time related plant items reach their point of retirement, otherwise, credits would be recorded in Account 108 when contributions in aid of construction are initially booked and again as annual depreciation accruals are recorded.

The proposals set forth herein in Proposal B specifically provide for continuing to identify those amounts of contributions in aid of construction relating to licensed projects when determining "total actual legitimate original cost." A brief comparison of the two proposals is shown at Appendix A.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than November 23, 1971, data, views, comments, or suggestions, in writing, concerning the proposed revised report forms and regulations. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed.

An original and 14 conformed copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report forms under the provisions of 44 U.S.C. 3501–3511 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Policy, Office of Management and Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name, title, address, and telephone number of the person to whom communications in regard to the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions in the report forms and regulations. The staff, in its discretion, may grant or deny requests for conference.

The proposed amendments to the Commission's Uniform System of Accounts for Classes A, B, C, and D Public Utilities and Licensees, to FPC Forms Nos. 1, 1-F, 1-M, 6, and 9 and to the Regulations Under the Federal Power Act would be issued under authority granted to the Federal Power Commission by the Federal Power Act, particularly sections 3, 4, 301, 302, 303, 304, 308, 309, 311 (41 Stat. 1063–1066, 1353; 46 Stat. 798; 49 Stat. 838–841, 854–856, 858, 859; 61 Stat. 501; 16 U.S.C. 796, 797, 825, 825a, 825b, 825c, 825g, 825h, 825j).

The proposed amendments to the Commission's Uniform System of Accounts for Classes A, B, C, and D Natural Gas Companies, to FPC Forms Nos. 2 and 2-A and to the Regulations Under Natural Gas Act would be issued under authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 4, 7, 8, 9, 10, 15, and 16 thereof (52 Stat. 822, 824, 825, 826, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717f, 717g, 717h, 717i, 717n, 717o).

PROPOSAL A

A. The following are proposed amendments to the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees, in Part 101, Title 18 of the Code of Federal Regulations:

1. General Instruction "16. *Separate Accounts or Records for Each Licensed Project*" is amended by revising subparagraph "(a)" and "(c)" thereof. As so amended, subparagraphs "16 (a)" and "(c)" will read:

General Instructions

* * * * *

16. *Separate Accounts or Records for Each Licensed Project.*

* * * * *

(a) The actual legitimate original cost of the project, including the original cost (or fair value, as determined under section 23 of the Federal Power Act) of the original project, the original cost of additions thereto and betterments thereof and credits for property retired from service, as determined under the Commission's regulations;

* * * * *

(c) The credits and debits to the depreciation and amortization accounts, and the balances in such accounts;

* * * * *

2. The Electric Plant Instructions are amended by:

a. Revising the second and third sentences of paragraph "C" of instruction "1. *Classification of Electric Plant at Effective Date of System of Accounts.*"

b. Revising paragraph "D" of instruction "2. *Electric Plant to Be Recorded at Cost.*"

c. Revoking paragraph "B(4)" and recodifying present paragraph "B(5)" as

B(4) of instruction "5. *Electric Plant Purchased or Sold.*"

d. Revising the first sentence in paragraph "F" of instruction "5. *Electric Plant Purchased or Sold.*

As so amended, the revised portions of the Electric Plant Instructions will read:

Electric Plant Instructions

1. *Classification of Electric Plant at Effective Date of System of Accounts.*

* * * * *

C. * * * The difference between the original cost, as above, and the cost to the utility of electric plant after giving effect to any accumulated provision for depreciation or amortization shall be recorded in account 114, Electric Plant Acquisition Adjustments. The original cost of electric plant shall be determined by analysis of the utility's records or those of the predecessor or vendor companies with respect to electric plant previously acquired as operating units or systems and the difference between the original cost so determined, less accumulated provisions for depreciation and amortization and the cost to the utility with necessary adjustments for retirements from the date of acquisition, shall be entered in account 114, Electric Plant Acquisition Adjustments. * * *

2. *Electric Plant To Be Recorded at Cost.*

* * * * *

D. The electric plant accounts shall not include the cost or other value of electric plant contributed to the company. Contributions in the form of money or its equivalent toward the construction of electric plant shall be credited to the accounts charged with the cost of such construction.

* * * * *

5. *Electric Plant Purchased or Sold.*

* * * * *

B. * * *

(4) [Revoked]

(5) [Recodified as (4)]

* * * * *

F. When electric plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Electric Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation and amortization and in account 252, Customer Advances for Construction, shall be charged to such accounts and contra entries made to account 102, Electric Plant Purchased or Sold. * * *

* * * * *

3. The chart of Balance Sheet Accounts is amended by:

a. Revoking subtitle "10. Contributions in Aid of Construction" and account title "271 Contributions in Aid of Construction."

b. Renumbering subtitle "11. Accumulated Deferred Income Taxes" as "10."

As so amended, the chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

(Chart of Accounts)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

10. [Revoked]

271 [Revoked]

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

4. The text of the Balance Sheet Accounts is amended as follows:

a. The last sentence in account "252 Customer advances for construction," is revised.

b. Subtitle "10. Contributions in Aid of Construction" and account "271 Contributions in aid of construction," are revoked.

c. Subtitle "11. Accumulated Deferred Income Taxes" is redesignated as "10."

As so amended, these portions of the text of Balance Sheet Accounts will read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

252 Customer advances for construction.

* * * When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to account 108, Accumulated Provision for Depreciation of Electric Plant in Service or Account 111, Accumulated Provision for amortization of Electric Plant in Service, as appropriate.

* * * * *

10. [Revoked]

271 [Revoked]

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

B. The following are proposed amendments to the Uniform System of Accounts for Class C Public Utilities and Licensees, in Part 104, Title 18 of the Code of Federal Regulations:

1. General Instruction "14. *Separate Accounts or Records for Each Licensed Project*" is amended by revising subparagraphs "(a)" and "(c)" thereof. As so amended, subparagraphs "14 (a)" and "(c)" will read:

General Instructions

* * * * *

14. *Separate Accounts or Records for Each Licensed Project.*

(a) The actual legitimate original cost of the project, including the original cost (or fair value, as determined under section 23 of the Federal Power Act) of the original project, the original cost of additions thereto and betterments thereof and credits for property retired from service, as determined under the Commission's regulations;

* * * * *

(c) The credits and debits to the depreciation and amortization account and the balance in such account;

* * * * *

2. The Electric Plant Instructions are amended by:

a. Revising paragraph "D" of instruction "1. *Electric Plant To Be Recorded at Cost.*"

b. Revoking paragraph "B(4)" and recodifying present paragraph "B(5)" as B(4) of instruction "4. *Electric Plant Purchased or Sold.*"

c. Revising the first sentence in paragraph "F" of instruction "4. *Electric Plant Purchased or Sold.*"

As revised, these portions of the Electric Plant Instructions will read:

Electric Plant Instructions

1. *Electric Plant To Be Recorded at Cost.*

* * * * *

D. The electric plant accounts shall not include the cost or other value of electric plant contributed to the company. Contributions in the form of money or its equivalent toward the construction of electric plant shall be credited to the accounts charged with the cost of such construction.

* * * * *

4. *Electric Plant Purchased or Sold.*

* * * * *

B. * * *

(4) [Revoked]

(5) [Recodified as (4)]

* * * * *

F. When electric plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Electric Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the account for accumulated provision for depreciation and amortization and in account 252, Customer Advances for Construction, shall be charged to such accounts and the contra entries made to account 102, Electric Plant Purchased or Sold. * * *

* * * * *

3. The chart of Balance Sheet Accounts is amended by:

a. Revoking subtitle "10. Contributions in Aid of Construction" and account title "271 Contributions in aid of construction."

b. Renumbering subtitle "11. Accumulated Deferred Income Taxes" as "10."

As so amended, the chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

(Chart of Accounts)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

10. [Revoked]

271 [Revoked]

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

4. The text of the Balance Sheet Accounts is amended as follows:

a. The last sentence of account "252 Customer advances for construction," is revised.

b. Subtitle "10. Contributions in Aid of Construction" and account "271 Contributions in aid of construction," are revoked.

c. Subtitle "11. Accumulated Deferred Income Taxes" is redesignated as "10."

As so amended, these portions of the text of Balance Sheet Accounts will read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

252 Customer advances for construction.

* * * When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant.

* * * * *

10. [Revoked]

271 [Revoked]

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

C. The following are proposed amendments to the Uniform System of Accounts for Class D Public Utilities and Licensees, in Part 105, Title 18 of the Code of Federal Regulations:

1. General Instruction "8. *Separate Accounts or Records for Each Licensed Project,*" is amended by revising subparagraphs (a) and (c) thereof. As so amended, subparagraphs 8 (a) and (c) will read:

General Instructions

* * * * *

8. *Separate Accounts or Records for Each Licensed Project.*

* * * * *

(a) The actual legitimate original cost of the project, including the original cost (or fair value, as determined under section 23 of the Federal Power Act) of the original project, the original cost of additions thereto and betterments thereof and credits for property retired from service, as determined under the Commission's regulations;

* * * * *

(c) The credits and debits to the depreciation and amortization account and the balance in such account;

* * * * *

2. Electric Plant Instruction "1. *Electric Plant To Be Recorded at Cost*" is amended by revising paragraph "D." As so revised, this portion of paragraph "D" will read:

Electric Plant Instructions

* * * * *

1. *Electric Plant To Be Recorded at Cost.*

* * * * *

D. The electric plant accounts shall not include the cost or other value of electric plant contributed to the company. Contributions in the form of money or its equivalent toward the construction of electric plant shall be credited to the accounts charged with the cost of such construction.

* * * * *

3. The chart of Balance Sheet Accounts is amended by revoking subtitle "10. Contributions in Aid of Construction" and account title "271 Contributions in aid of construction." As so amended, these portions of the chart of the Balance Sheet Accounts will read:

Balance Sheet Accounts

(Chart of Accounts)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

10. [Revoked]

271 [Revoked]

* * * * *

4. The text of the Balance Sheet Accounts is amended as follows:

a. The last sentence of account "252 Customer advances for construction," is revised.

b. Subtitle "10. Contributions in Aid of Construction" and account "271 Contributions in aid of construction," are revoked.

As so amended, these portions of the text of the Balance Sheet Accounts will read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

252 Customer advances for construction.

* * * When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant.

* * * * *

10. [Revoked]

271 [Revoked]

* * * * *

D. The following are proposed amendments to the Uniform System of Accounts for Class A and Class B Natural Gas Companies, in Part 201, Title 18 of the Code of Federal Regulations:

1. The Gas Plant Instructions are amended by:

a. Revising the second and third sentences of subparagraph "C" of Instruction "1. *Classification of gas plant at effective date of system of accounts.*"

b. Revising paragraph "D" of Instruction "2. *Gas plant to be recorded at cost.*"

c. Revoking paragraph "B(4)" and recodifying present paragraph "B(5)" as B(4) of instruction "5. *Gas plant purchased or sold.*"

d. Revising the first sentence in paragraph "F" of instruction "5. *Gas plant purchased or sold.*"

As so amended, the revised portions of the Gas Plant Instructions will read:

Gas Plant Instructions

1. *Classification of gas plant at effective date of system of accounts.*

* * * * *

C. * * * The difference between the original cost as above, and the cost to the utility of gas plant after giving effect to any accumulated provision for depreciation, depletion, or amortization shall be recorded in account 114, Gas Plant Acquisition Adjustments. The original cost of gas plant shall be determined by analysis of the utility's records or those of the predecessor or vendor companies with respect to gas plant previously acquired as operating units or systems and the differences between the original cost so determined, less accumulated provisions for depreciation, depletion and amortization, and the cost to the utility, with necessary adjustments for retirements from the date of acquisition, shall be entered in account 114, Gas Plant Acquisition Adjustments. * * *

2. *Gas plant to be recorded at cost.*

* * * * *

D. The gas plant accounts shall not include the cost or other value of gas plant contributed to the company. Contributions in the form of money or its equivalent toward the construction of gas plant shall be credited to the accounts charged with the cost of such construction.

* * * * *

5. *Gas plant purchased or sold.*

* * * * *

B. * * *

* * * * *

(4) [Revoked]

(5) [Recodified as (4)]

* * * * *

F. When gas plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Gas

Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation, depletion, and amortization and in account 252, Customer Advances for Construction, shall be charged to such accounts and the contra entries made to account 102, Gas Plant Purchased or Sold. * * *

* * * * *

2. The chart of Balance Sheet Accounts is amended by:

a. Revoking subtitle "10. Contributions in Aid of Construction" and account title "271 Contributions in aid of construction."

b. Renumbering subtitle "11. Accumulated Deferred Income Taxes" as "10."

As so amended, the chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

(Chart of Accounts)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

271 [Revoked]

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

3. The text of the Balance Sheet Accounts is amended as follows:

a. The last sentence of account "252 Customer advances for construction," is revised.

b. Subtitle "10. Contributions in Aid of Construction" and account "271 Contributions in aid of construction" are revoked.

c. Subtitle "11. Accumulated Deferred Income Taxes" is redesignated as "10."

As so amended, these portions of the text of Balance Sheet accounts will read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

252 Customer advances for construction.

* * * When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to account 108, Accumulated Provision for Depreciation of Gas Plant in Service or account 111.1, Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights, as appropriate.

* * * * *

10. [Revoked]

271. [Revoked]

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

E. The following are proposed amendments to the Uniform System of Accounts for Class C Natural Gas Companies, in Part 204, Title 18 of the Code of Federal Regulations:

1. The Gas Plant Instructions are amended by:

a. Revising paragraph "D" of instruction "1. *Gas plant to be recorded at cost.*"

b. Revoking paragraph "B(4)" and recodifying paragraph "B(5)" as B(4) of instruction "4. *Gas plant purchased or sold.*"

c. Revising paragraph "F" of instruction "4. *Gas plant purchased or sold.*"

As so revised, these portions of the Gas Plant Instructions will read:

Gas Plant Instructions

* * * * *

1. *Gas plant to be recorded at cost.*

* * * * *

D. The gas plant accounts shall not include the cost or other value of gas plant contributed to the company. Contributions in the form of money or its equivalent toward the construction of gas plant shall be credited to the accounts charged with the cost of such construction.

* * * * *

4. *Gas plant purchased or sold.*

* * * * *

B. * * *

* * * * *

(4) [Revoked]

(5) [Recodified as (4)]

* * * * *

F. When gas plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Gas Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the account for accumulated provision for depreciation, depletion, and amortization and in account 252, Customer Advances for Construction, shall be charged to such accounts and the contra entries made to account 102, Gas Plant Purchased or Sold. * * *

* * * * *

2. The chart of Balance Sheet Accounts is amended by:

a. Revoking subtitle "10. Contributions in Aid of Construction" and account title "271 Contributions in aid of construction."

b. Renumbering subtitle "11. Accumulated Deferred Income Taxes" as "10."

As so amended, the chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

(Chart of Accounts)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

10. [Revoked]

271 [Revoked]

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

3. The text of the Balance Sheet Accounts is amended as follows:

a. The last sentence of account "252 Customer advances for construction," is revised.

b. Subtitle "10. Contributions in Aid of Construction" and account "271 Contributions in aid of construction," are revoked.

c. Subtitle "11. Accumulated Deferred Income Taxes" is redesignated as "10."

As so amended, these portions of the Balance Sheet Accounts will read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

252 Customer advances for construction.

* * * When a customer is refunded the entire amount to which he is entitled, according to the agreement, or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant.

* * * * *

10. [Revoked]

271 [Revoked]

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

F. The following are proposed amendments to the Uniform System of Accounts for Class D Natural Gas Companies, in Part 205, Title 18 of the Code of Federal Regulations:

1. Gas Plant Instruction "1. *Gas plant to be recorded at cost*" is amended by revising paragraph "D."

As so revised, this portion of paragraph D will read:

Gas Plant Instructions

* * * * *

1. *Gas plant to be recorded at cost.*

* * * * *

D. The gas plant accounts shall not include the cost or other value of gas plant contributed to the company. Contributions in the form of money or its equivalent toward the construction of gas plant shall be credited to the accounts charged with the cost of such construction.

* * * * *

2. The chart of Balance Sheet Accounts is amended by deleting subtitle "10. Contributions in Aid of Construction" and account title "271 Contributions in aid of construction." As so amended, the chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

(Chart of Accounts)

* * * * *

10. [Revoked]

271 [Revoked]

* * * * *

3. The text of the Balance Sheet Accounts is amended as follows:

a. The last sentence of account "252 Customer advances for construction," is revised.

b. Subtitle "10. Contributions in Aid of Construction" and account "271 Contributions in aid of construction," are revoked.

As so amended, these portions of the text of Balance Sheet Accounts will read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

252 Customer advances for construction.

* * * When a customer is refunded the entire amount to which he is entitled, according to the agreement, or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to account 110, Accumulated Provision for Depreciation, Depletion, and Amortization of Gas Plant.

* * * * *

10. [Revoked]

271 [Revoked]

* * * * *

G. It is proposed to amend paragraph (d) of § 141.1, Chapter I, Title 18 of the Code of Federal Regulations by revoking the schedule "Contributions in Aid of Construction." As so amended, that portion of § 141.1(d) will read:

§ 141.1 Form No. 1 Annual report for electric utilities, licensees and others (Class A and Class B).

* * * * *

(d) * * *

* * * * *

Contributions in Aid of Construction. [Revoked]

* * * * *

H. It is proposed to amend paragraph "(f)" *Description of statements*" in § 154.63, Chapter I, Title 18 of the Code of Federal Regulations by revising the first sentence of *"Statement B—Rate base and return"* to delete the reference to "Contributions in Aid of Construction." The amended portion of § 154.63(f) will read:

§ 154.63 Changes in tariff, executed service agreement or part thereof.

* * * * *

(f) *Description of statements.* * * *

* * * * *

Statement B—Rate base and return. This statement shall summarize the overall gas utility rate base from the figures contained in Statements C, D, and E. * * *

* * * * *

I. It is proposed to amend paragraph "(c)" of § 260.1, Chapter I, Title 18 of the Code of Federal Regulations by deleting schedule "Contributions in Aid of Construction." As so amended, that portion of § 260.1(c) will read:

§ 260.1 Form No. 2, Annual report for natural gas companies (Class A and Class B).

* * * * * *

(c) * * *

* * * * * *

Contributions in Aid of Construction. [Revoked]

* * * * * *

J. Effective for the reporting year 1971, it is proposed to amend certain schedules pages of FPC Form No. 1, Annual Report for Public Utilities, Licensees and Others (Class A and Class B) prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment A (pages 1 and 2), hereto.[1]

K. Effective for the reporting year 1971, it is proposed to amend certain schedule pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment A (page 2), hereto.[1]

L. Effective for the reporting year 1971, it is proposed to amend certain schedule pages of FPC Form No. 1-F, Annual Report for Public Utilities and Licensees, (Class C and Class D) prescribed by § 141.2, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment A (page 3), hereto.[1]

M. Effective for the reporting year 1971, it is proposed to amend certain schedule pages of FPC Form No. 2-A, Annual Report for Natural Gas Companies (Class C and Class D) prescribed by § 260.2, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment A (page 4), hereto.[1]

N. Effective upon issuance, it is proposed to amend certain schedule pages of FPC Form No. 1-M, Annual Report for Municipal Electric Utilities Having Annual Electric Operating Revenues of $250,000 or More, prescribed by § 141.7, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment A (page 5), hereto.[1]

O. Effective upon issuance, it is proposed to amend certain schedule pages of FPC Form of Initial Cost Statement for Licensed Projects (Form No. 6), prescribed by § 141.11, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment A (page 6), hereto.[1]

P. Effective upon issuance, it is proposed to amend certain schedule pages of FPC Form No. 9, Annual Report Form for Licensees of Privately Owned Major Projects (Utility and Industrial), prescribed by § 141.13, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment A (page 7), hereto.[1]

[1] Filed as part of the original document.

PROPOSAL B

A. The following are proposed amendments to the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees, in Part 101, Title 18 of the Code of Federal Regulations:

1. General Instruction "16. *Separate Accounts or Records for Each Licensed Project*" is amended by revising subparagraphs "(a)" and "(c)" thereof. As so amended, subparagraphs "16 (a)" and "(c)" will read:

General Instructions

* * * * *

16. *Separate Accounts or Records for Each Licensed Project.*

* * * * *

(a) The actual legitimate original cost of the project, including the original cost (or fair value, as determined under section 23 of the Federal Power Act) of the original project, the original cost of additions thereto and betterments thereof, credits for property retired from service, and credits for related contributions in aid of construction accumulated in accounts 108, Accumulated Provision for Depreciation of Electric Plant in Service, and 111, Accumulated Provision for Amortization of Electric Plant in Service, as determined under the Commission's regulations;

* * * * *

(c) The credits and debits to the depreciation and amortization accounts, and the balances in such accounts;

* * * * *

2. The Electric Plant Instructions are amended by:

a. Revising the second and third sentences of paragraph "C" of instruction "1. *Classification of Electric Plant at Effective Date of System of Accounts.*"

b. Revising the last sentence of paragraph "D" of instruction "2. *Electric Plant To Be Recorded at Cost.*"

c. Revising paragraphs "B(4)" and the first sentence in paragraph "F" of instruction "5. *Electric Plant Purchased or Sold.*"

As so amended, the revised portions of the Electric Plant Instructions will read:

Electric Plant Instructions

1. *Classification of Electric Plant at Effective Date of System of Accounts.*

* * * * *

C. * * * The difference between the original cost, as above, and the cost to the utility of electric plant after giving effect to any accumulated provision for depreciation or amortization and amounts relating to contributions in aid of construction, recorded therein or otherwise accounted for, applicable to the property acquired if recorded by the accounting utility at the time of acquisition, shall be recorded in account 114, Electric Plant Acquisition Adjustments. The original cost of electric plant shall be determined by analysis of the utility's records or those of the predecessor or

vendor companies with respect to electric plant previously acquired as operating units or systems and the difference between the original cost so determined, less accumulated provisions for depreciation and amortization and contributions in aid of construction, whether recorded therein or otherwise accounted for, if recorded by the accounting utility, and the cost to the utility with necessary adjustments for retirements from the date of acquisition, shall be entered in account 114, Electric Plant Acquisition Adjustments.* * *

2. *Electric Plant To Be Recorded at Cost.*

* * * * *

D. * * * The difference in the amounts charged to the electric plant accounts and the amounts credited to the accumulated depreciation and amortization accounts constitutes the net amount of plant contributed to the utility and therefore shall be credited to the accumulated depreciation or amortization, as appropriate.

* * * * *

5. *Electric Plant Purchased or Sold.*

* * * * *

B. * * *

(4) The amount of contributions in aid of construction applicable to the property acquired, shall be charged to account 102, Electric Plant Purchased or Sold, and concurrently credited to account 108, Accumulated Provision for Depreciation of Electric Plant in Service or 111, Accumulated Provision for Amortization of Electric Plant in Service, as appropriate, unless otherwise authorized by the Commission.

* * * * *

F. When electric plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Electric Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation and amortization and in account 252, Customer Advances for Construction, shall be charged to such accounts and the contra entries made to account 102, Electric Plant Purchased or Sold. * * *

* * * * *

3. The chart of Balance Sheet Accounts is amended by:

a. Deleting subtitle "10. Contributions in Aid of Construction" and account title "271 Contributions in aid of construction.".

b. Renumbering subtitle "11. Accumulated Deferred Income Taxes" as "10."

As so amended, the chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

(Chart of Accounts)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

10. [Revoked]

271 [Revoked]

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

4. The text of the Balance Sheet Accounts is amended as follows:

a. Account "108 Accumulated provision for depreciation of electric plant in service," is amended by adding a new subparagraph "(5)" to paragraph "A" and by adding new notes A and B to the end of the account.

b. Account "111 Accumulated provision for amortization of electric plant in service," is amended by adding a new paragraph D, redesignating old paragraph "D" as "E" and adding a note to the end of the account.

c. The last sentence in account "252 Customer advances for construction," is revised.

d. Subtitle "10. Contributions in Aid of Construction" and account "271 Contributions in aid of construction," are revoked.

e. Subtitle "11. Accumulated Deferred Income Taxes" is redesignated as "10."

As so amended, these portions of the text of Balance Sheet Accounts will read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

108 Accumulated provision for depreciation of electric plant in service.

A. * * *

* * * * *

(5) Amounts relating to donations or contributions in cash, services, or property from States, municipalities or other governmental agencies, individuals, and others for construction purposes.

(a) The amounts referred to in (5) above shall be recorded in a separate and distinct subaccount of this account. The records supporting the entries to this subaccount shall be so kept that the utility can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made, the amount of donations from (a) States, (b) municipalities, (c) customers, and (d) others, and the amount applicable to each utility department. Once electric plant in service is retired, the amounts of related contributions will be treated as prescribed in paragraph B above, for nonfederally licensed project property. For federally licensed projects the amounts shall remain herein indefinitely pending final disposition upon expiration of license.

(b) This subaccount shall be further subdivided as follows:

(1) *Contributions in Aid of Construction—General.* This subdivision shall include all the donations to the various utility departments except those which are made in respect to a licensed project.

(2) *Contributions in Aid of Construction—Federal.* This subdivision shall be kept only by licensees. There shall be included herein donations from States, municipalities, individuals or others which have been expended for plant, or which are included in the plant accounts, of a licensed project, referred to in section 3, subsection (13) of the Federal Power Act, 49 Stat. 839; 16 U.S.C. 796(13). This treatment shall not affect the determination of "actual legitimate original cost" or "net investment" in accordance with the Act.

* * * * *

NOTE A: There shall not be included in this account advances for construction which are ultimately to be repaid wholly or in part. (See account 252, Customer Advances for Construction.)

NOTE B: Donations and contributions which are nondepreciable in nature will not be credited to this account but to account 111, *Accumulated Provision for Amortization of Electric Plant in Service.*

* * * * *

111 Accumulated provision for amortization of electric plant in service.

* * * * *

D. The account shall also be credited with amounts relating to donations or contributions in cash, services, or property from States, municipalities, or other governmental agencies, individuals, and others for construction purposes, which are nondepreciable in nature.

(1) The amounts referred to in D above shall be recorded in a separate and distinct subaccount of this account. The records supporting the entries to this subaccount shall be so kept that the utility can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made, the amount of donations from (a) States, (b) municipalities, (c) customers, and (d) others, and the amount applicable to each utility department. Once electric plant in service is retired, the amounts of related contributions will be treated as prescribed in paragraph B above, for nonfederally licensed project property. For federally licensed projects the amounts shall remain herein indefinitely pending final disposition upon expiration of license.

(2) This subaccount shall be further subdivided as follows:

(a) *Contributions in Aid of Construction—General.* This subdivision shall include all the donations to the various utility departments except those which are made in respect to a licensed project.

(b) *Contributions in Aid of Construction—Federal.* This subdivision shall be kept only by licensees. There shall be included herein donations from States, municipalities, individuals or others which have been expended for plant, or which are included in the plant accounts, of a licensed project, referred to in section 3, subsection (13) of the Federal Power Act, 49 Stat. 839; 16 U.S.C. 796(13). This treatment shall not affect the determination of "actual legitimate original cost" or "net investment" in accordance with the Act.

E. * * *

NOTE: There shall not be included in this account advances for construction which

are ultimately to be repaid wholly or in part. (See account 252, Customer Advances for Construction.)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

252 Customer advances for construction.

* * * When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to account 108, Accumulated Provision for Depreciation of Electric Plant in Service or account 111, Accumulated Provision for Amortization of Electric Plant in Service, as appropriate.

* * * * *

10. [Revoked]

271 [Revoked]

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

B. The following are proposed amendments to the Uniform System of Accounts for Class C Public Utilities and Licensees, in Part 104, Title 18 of the Code of Federal Regulations:

1. General Instruction "14. *Separate Accounts or Records for Each Licensed Project*" is amended by revising subparagraphs "(a)" and "(c)" thereof. As so amended, subparagraphs "14 (a)" and "(c)" will read:

General Instructions

* * * * *

14. *Separate Accounts or Records for Each Licensed Project.*

(a) The actual legitimate original cost of the project, including the original cost (or fair value, as determined under section 23 of the Federal Power Act) of the original project, the original cost of additions thereto and betterments thereof, credits for property retired from service, and credits for related contributions in aid of construction accumulated in accounts 110, Accumulated Provision for Depreciation and Amortization of Electric Plant, as determined under the Commission's regulations;

* * * * *

(c) The credits and debits to the depreciation and amortization account and the balance in such account.

* * * * *

2. The Electric Plant Instructions are amended by:

a. Revising the last sentence of paragraph "D" of instruction "1. *Electric Plant to be Recorded at Cost.*"

b. Revising paragraph "B(4)" and the first sentence in paragraph "F" of instruction "4. *Electric Plant Purchased or Sold.*"

As revised, these portions of the Electric Plant Instructions will read:

Electric Plant Instructions

1. *Electric Plant to be Recorded at Cost.*

* * * * *

D. * * * The difference in the amounts charged to the electric plant accounts and the amounts credited to the accumulated depreciation and amortization accounts constitutes the net amount of plant contributed to the utility and therefore shall be credited to the accumulated depreciation and amortization account.

* * * * *

4. *Electric Plant Purchased or Sold.*

B. * * *

(4) The amount of contributions in aid of construction applicable to the property acquired, shall be charged to account 102, Electric Plant Purchased or Sold, and concurrently credited to account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant unless otherwise authorized by the Commission.

* * * * *

F. When electric plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Electric Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the account for accumulated provision for depreciation and amortization and in account 252, Customer Advances for Construction, shall be charged to such accounts and the contra entries made to account 102, Electric Plant Purchased or Sold. * * *

* * * * *

3. The chart of Balance Sheet Accounts is amended by:

a. Deleting subtitle "10. Contributions in Aid of Construction" and account title "271 Contributions in aid of Construction."

b. Renumbering subtitle "11. Accumulated Deferred Income Taxes" as "10".

As so amended, the chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

(Chart of Accounts)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

10. [Revoked]

271 [Revoked]

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

4. The text of the Balance Sheet Accounts is amended as follows:

a. Account "110 Accumulated provision for depreciation and amortization of electric plant," is amended by adding a new subparagraph (5) to paragraph "A" and by adding a new Note to the end of the account.

b. The last sentence of account "252 Customer advances for construction," is revised.

c. Subtitle "10. Contributions in Aid of Construction" and account "271 Contribution in aid of construction," are revoked.

d. Subtitle "11. Accumulated Deferred Income Taxes" is redesignated as "10."

As so amended, these portions of the text of Balance Sheet Accounts will read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

110 Accumulated provision for depreciation and amortization of electric plant.

A. * * *

* * * * *

(5) Amounts relating to donations or contributions in cash, services, or property from States, municipalities or other governmental agencies, individuals, and others for construction purposes.

(a) The amounts referred to in (5) above shall be recorded in a separate and distinct subaccount of this account. The records supporting the entries to this subaccount shall be so kept that the utility can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made, the amount of donations from (a) States, (b) municipalities, (c) customers, and (d) others, and the amount applicable to each utility department. Once electric plant in service is retired, the amounts of related contributions will be treated as prescribed in paragraph B above, for nonfederally licensed project property. For federally licensed projects the amounts shall remain herein indefinitely pending final disposition upon expiration of license.

(b) This subaccount shall be further subdivided as follows:

(1) *Contributions in Aid of Construction—General.* This subdivision shall include all the donations to the various utility departments except those which are made in respect to a licensed project.

(2) *Contributions in Aid of Construction—Federal.* This subdivision shall be kept only by licensees. There shall be included therein donations from States, municipalities, individuals, or others which have been expended for plant, or which are included in the plant accounts, of a licensed project, referred to in section 3, subsection (13) of the Federal Power Act, 49 Stat. 839; 16 U.S.C. 796 (13). This treatment shall not affect the determination of "actual legitimate original cost" or "net investment" in accordance with the Act.

* * * * *

NOTE: There shall not be included in this account advances for construction which are ultimately to be repaid wholly or in part. (See account 252, Customer Advances for Construction.)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

252 Customer advances for construction.

* * * When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant.

* * * * *

10. [Revoked]

271 [Revoked]

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

C. The following are proposed amendments to the Uniform System of Accounts for Class D Public Utilities and Licensees, in Part 105, Title 18 of the Code of Federal Regulations:

1. General Instruction "8. *Separate Accounts or Records for Each Licensed Project,*" is amended by revising subparagraphs (a) and (c) thereof. As so amended, subparagraphs 8 (a) and (c) will read:

General Instructions

* * * * *

8. *Separate Accounts or Records for Each Licensed Project.*

* * * * *

(a) The actual legitimate original cost of the project, including the original cost (or fair value, as determined under section 23 of the Federal Power Act) of the original project, the original cost of additions thereto and betterments thereof, credits for property retired from service, and credits for related contributions in aid of construction accumulated in account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant, as determined under the Commission's regulations;

* * * * *

(c) The credits and debits to the depreciation and amortization account and the balance in such account;

* * * * *

2. Electric Plant Instruction "1. *Electric Plant To Be Recorded at Cost*" is amended by revising the last sentence of paragraph "D." As so revised, this portion of paragraph "D" will read:

Electric Plant Instructions

* * * * *

1. *Electric Plant To Be Recorded at Cost.*

* * * * *

D. * * * The difference in the amounts charged to the electric plant accounts and the amounts credited to the accumulated depreciation and amortization account constitutes the net amount of plant contributed to the utility and therefore shall be credited to the accumulated depreciation and amortization account.

* * * * *

3. The chart of Balance Sheet Accounts is amended by deleting subtitle "10. Contributions in Aid of Construction" and account title "271 Contributions in aid of construction". As so amended these portions of the chart of the Balance Sheet Accounts will read:

Balance Sheet Accounts

(Chart of Accounts)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

10. [Revoked]

271 [Revoked]

4. The text of the Balance Sheet Accounts is amended as follows:

a. Account "110 Accumulated provision for depreciation and amortization of electric plant," is amended by adding a new subparagraph (5) to paragraph "A" and by adding a Note to the end of the account.

b. The last sentence of account "252 Customer advances for construction," is revised.

c. Subtitle "10. Contributions in Aid of Construction" and account "271 Contributions in aid of construction," are revoked.

As so amended, these portions of the text of the Balance Sheet Accounts will read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

110 Accumulated provision for depreciation and amortization of electric plant.

* * * * *

A. * * *

* * * * *

(5) Amounts relating to donations or contributions in cash, services, or property from States, municipalities, or other governmental agencies, individuals, and others for construction purposes.

(a) The amounts referred to in (5) above shall be recorded in a separate and distinct subaccount of this account. The records supporting the entries to this subaccount shall be so kept that the utility can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made, the amount of donations from (a) States, (b) municipalities, (c) customers, and (d) others, and the amount applicable to each utility department. Once electric plant in service is retired, the amounts of related contributions will be treated as prescribed in paragraph B below, for nonfederally licensed project property. For federally licensed projects the amounts shall remain herein indefinitely pending final disposition upon expiration of license.

(b) This subaccount shall be further subdivided as follows:

(1) *Contributions in Aid of Construction—General.* This subdivision shall include all the donations to the various utility departments except those which are made in respect to a licensed project.

(2) *Contributions in Aid of Construction—Federal.* This subdivision shall be kept only by licensees. There shall be included therein donations from States, municipalities, individuals or others which have been expended for plant, or which are included in the plant accounts, of a licensed project, referred to in section 3, subsection (13) of the Federal Power Act, 49 Stat. 839; 16 U.S.C. 796 (13). This treatment shall not affect the determination of "actual legitimate original cost" or "net investment" in accordance with the Act.

* * * * *

NOTE: There shall not be included in this account advances for construction which are ultimately to be repaid wholly or in part. (See account 252, Customer Advances for Construction.)

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

252 Customer advances for construction.

* * * When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to account 110, Accumulated Provision for depreciation and amortization of Electric Plant.

* * * * *

10. [Revoked]

271 [Revoked]

D. The following are proposed amendments to the Uniform System of Accounts for Class A and Class B Natural Gas Companies, in Part 201, Title 18 of the Code of Federal Regulations:

1. The Gas Plant Instructions are amended by:

a. Revising the second and third sentences of subparagraph "C" of instruction "1. *Classification of gas plant at effective date of system of accounts.*"

b. Revising the last sentence of paragraph "D" of instruction "2. *Gas plant to be recorded at cost.*"

c. Revising paragraphs "B(4)" and the first sentence in paragraph "F" of instruction "5. *Gas plant purchased or sold.*"

As so amended, the revised portions of the Gas Plant Instructions will read:

Gas Plant Instructions

1. *Classification of gas plant at effective date, of system of accounts.*

* * * * *

C. * * * The difference between the original cost, as above, and the cost to the utility of gas plant after giving effect to any accumulated provision for depreciation, depletion, or amortization and amounts relating to contributions in aid of construction, recorded therein or otherwise accounted for, applicable to the property acquired if recorded by the accounting utility at the time of acquisition, shall be recorded in account 114, Gas Plant Acquisition Adjustments. The original cost of gas plant shall be determined by analysis of the utility's records or those of the predecessor or vendor companies with respect to gas plant previously acquired as operating

units or systems and the differences between the original cost so determined, less accumulated provisions for depreciation, depletion and amortization and contributions in aid of construction, whether recorded therein or otherwise accounted for, if recorded by the accounting utility and the cost to the utility, with necessary adjustments for retirements from the date of acquisition, shall be entered in account 114, Gas Plant Acquisition Adjustments. * * *

2. *Gas plant to be recorded at cost.*

* * * * *

D. * * * The difference in the amounts charged to the gas plant accounts and the amounts credited to the accumulated depreciation, depletion and amortization accounts constitutes the net amount of plant contributed to the utility and therefore shall be credited to the accumulated depreciation or amortization, as appropriate.

* * * * *

5. *Gas plant purchased or sold.*

* * * * *

B. * * *

* * * * *

(4) The amount of contributions in aid of construction applicable to the property acquired, shall be charged to account 102, Gas Plant Purchased or Sold, and concurrently credited to account 108, Accumulated Provision for Depreciation of Gas Plant in Service or 111.1, Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights, as appropriate, unless otherwise authorized by the Commission.

* * * * *

F. When gas plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Gas Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation, depletion, and amortization and in account 252, Customer Advances for Construction, shall be charged to such accounts and the contra entries made to account 102, Gas Plant Purchased or Sold. * * *

* * * * *

2. The chart of Balance Sheet Accounts is amended by:

a. Deleting subtitle "10. Contributions in Aid of Construction" and account title "271 Contributions in aid of construction."

b. Renumbering subtitle "11. Accumulated Deferred Income Taxes" as "10."

As so amended, the chart of Balance Sheet Accounts will read:

Balance Sheet Accounts
(Chart of Accounts)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

10. [Revoked]

271 [Revoked]

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

3. The text of the Balance Sheet Accounts is amended as follows:

a. Account "108 Accumulated provision for depreciation of gas plant in service," is amended by adding a new subparagraph (5) to paragraph "A" and by adding new notes A and B to the end of the account.

b. Account "111.1 Accumulated provision for amortization and depletion of producing natural gas land and land rights" is amended by adding a new paragraph E, redesignating old paragraph "E" as "F" and adding a note to the end of the account.

c. The last sentence of account "252 Customer advances for construction," is revised.

d. Subtitle "10. Contributions in Aid of Construction" and account "271 Contributions in aid of construction," are revoked.

e. Subtitle "11. Accumulated Deferred Income Taxes" is redesignated as "10."

As so amended, these portions of the text of Balance Sheet accounts will read:

ASSETS AND OTHER DEBITS

Balance Sheet Accounts

1. UTILITY PLANT

* * * * *

108 Accumulated provision for depreciation of gas plant in service.

A. * * *

* * * * *

(5) Amounts relating to donations or contributions in cash, service, or property from States, municipalities, or other governmental agencies, individuals, and others for construction purposes.

(a) The amounts referred to in (5) above shall be recorded in a separate and distinct subaccount of this account. The records supporting the entries to this subaccount shall be so kept that the utility can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made, the amount of donations from (a) States, (b) municipalities, (c) customers, and (d) others, and the amount applicable to each utility department.

* * * * *

NOTE A: There shall not be included in this account advances for construction which are ultimately to be repaid wholly or in part. (See account 252, Customer Advances for Construction.)

NOTE B: Donation and contributions which are nondepreciable in nature will not be credited to this account but to account 111.1, Accumulated Provision for Amortization and Depletion of Producing Gas Land and Land Rights.

* * * * *

111.1 Accumulated provision for amortization and depletion of producing natural gas land and land rights.

* * * * *

E. The account shall also be credited with amounts relating to donations or contributions in cash, services, or property from States, municipalities, or other governmental agencies, individuals, and others for construction purposes; which are nondepreciable in nature.

(1) The amounts referred to in E above shall be recorded in a separate and distinct subaccount of this account. The records supporting the entries to this subaccount shall be so kept that the utility can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made, the amount of donations from (a) States, (b) municipalities, (c) customers, and (d) others, and the amount applicable to each utility department.

F. * * *

NOTE: There shall not be included in this account advances for construction which are ultimately to be repaid wholly or in part. (See account 252, Customer Advances for Construction.)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

252 Customer advances for construction.

* * * When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to account 108, Accumulated Provision for Depreciation of Gas Plant in Service or Account 111, Accumulated Provision for Amortization of Gas Plant in Service, as appropriate.

* * * * *

10. [Revoked]

271 [Revoked]

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

E. The following are proposed amendments to the Uniform System of Accounts for Class C Natural Gas Companies, in Part 204, Title 18 of the Code of Federal Regulations:

1. The Gas Plant Instructions are amended by:

a. Revising the last sentence of paragraph "D" of instruction "1. *Gas plant to be recorded at cost.*"

b. Revising paragraphs "B(4)" and the first sentence of paragraph "F" of instruction "4. *Gas plant purchased or sold.*"

As revised these portions of the Gas Plant Instructions will read:

Gas Plant Instructions

* * * * *

1. *Gas Plant to be recorded at cost.*

* * * * *

D. * * * The difference in the amounts charged to the gas plant accounts and the amounts credited to the accumulated depreciation, depletion and amortization accounts constitutes the net amount of plant contributed to the utility and therefore shall be credited to the accumulated depreciation, depletion and amortization account.

* * * * *

4. *Gas plant purchased or sold.*

* * * * *

B. * * *

* * * * *

(4) The amount of contributions in aid of construction applicable to the property acquired, shall be charged to account 102, Gas Plant Purchased or Sold, and concurrently credited to account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant, unless otherwise authorized by the Commission.

* * * * *

F. When gas plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Gas Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the account for accumulated provision for depreciation, depletion, and amortization and in account 252, Customer Advances for Construction, shall be charged to such accounts and the contra entries made to account 102, Gas Plant Purchased or Sold. * * *

* * * * *

2. The chart of Balance Sheet Accounts is amended by:

a. Deleting subtitle "10. Contributions in Aid of Construction" and account title "271 Contributions in aid of construction."

b. Renumbering subtitle "11. Accumulated Deferred Income Taxes" as "10."

As so amended, the chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

(Chart of Accounts)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

10. [Revoked]

271 [Revoked]

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

3. The text of the Balance Sheet Accounts is amended as follows:

a. Account "110 Accumulated provision for depreciation, depletion and amortization of gas plant," is amended by adding a new subparagraph (5) to paragraph "A" and by adding a new note to the end of the account.

b. The last sentence of account "252 Customer advances for construction," is revised.

c. Subtitle "10. Contributions in Aid of Construction" and account "271 Contributions in aid of construction," are revoked.

e. Subtitle "11. Accumulated Deferred Income Taxes" is redesignated as "10."

As so amended, these portions of the Balance Sheet Accounts will read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

110 Accumulated provision for depreciation, depletion and amortization of gas plant.

A. * * *

* * * * *

(5) Amounts relating to donations or contributions in cash, services, or property from States, municipalities, or other governmental agencies, individuals, and others for construction purposes.

(a) The amounts referred to in (5) above shall be recorded in a separate and distinct subaccount of this account. The records supporting the entries to this subaccount shall be so kept that the utility can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made, the amount of donations from (a) States, (b) municipalities, (c) customers, and (d) others, and the amount applicable to each utility department.

* * * * *

NOTE: There shall not be included in this account advances for construction which are ultimately to be repaid wholly or in part. (See account 252, Customer Advances for Construction.)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

252 Customer advances for construction.

* * * When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to account 110, Accumulated Provision for Depreciation, Depletion, and Amortization of Gas Plant.

* * * * *

10. [Revoked]

271 [Revoked]

10. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

F. The following are proposed amendments to the Uniform System of Accounts for Class D Natural Gas Companies, in Part 205, Title 18 of the Code of Federal Regulations:

1. Gas Plant Instruction "1. *Gas plant to be recorded at cost*" is amended by revising the last sentence of paragraph "D".

As so revised, this portion of paragraph D will read:

Gas Plant Instructions

* * * * *

1. *Gas plant to be recorded at cost.*

* * * * *

D. * * * The difference in the amounts charged to the gas plant accounts and the amounts credited to the accumulated depreciation, depletion and amortization account constitutes the net amount of plant contributed to the utility and therefore shall be credited to the accumulated depreciation, depletion and amortization account.

* * * * *

2. The chart of Balance Sheet Accounts is amended by deleting subtitle "10. Contributions in Aid of Construction" and account title "271 Contributions in aid of construction." As so amended, the chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

(Chart of Accounts)

* * * * *

10. [Revoked]

271 [Revoked]

3. The text of the Balance Sheet Accounts is amended as follows:

a. Account "110 Accumulated provision for depreciation, depletion and amortization of gas plant," is amended by adding a new subparagraph (5) to paragraph "A" and adding a new Note to the end of the account.

b. The last sentence of account "252 Customer advances for construction," is revised.

c. Subtitle "10. Contributions in Aid of Construction" and account "271 Contributions in aid of construction," are revoked.

As so amended, these portions of the text of Balance Sheet Accounts will read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

110 Accumulated provision for depreciation, depletion and amortization of gas plant.

A. * * *

* * * * *

(5) Amounts relating to donations or contributions in cash, services, or property from States, municipalities, or other governmental agencies, individuals, and others for construction purposes.

(a) The amounts referred to in (5) above shall be recorded in a separate and distinct subaccount of this account. The records supporting the entries to this subaccount shall be so kept that the utility can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made, the amount of donations from (a) States, (b) municipalities, (c) customers, and (d) others, and the amount applicable to each utility department.

* * * * *

NOTE: There shall not be included in this account advances for construction which are ultimately to be repaid wholly or in part. (See account 252, Customer Advances for Construction.)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

252 Customer advances for construction.

* * * When a customer is refunded the entire amount to which he is entitled, according to the agreement of rule under which the advance was made, the balance, if any, remaining in this account shall be credited to account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant.

* * * * *

10. [Revoked]

271 [Revoked]

G. It is proposed to amend paragraph (d) of § 141.1, Chapter I, Title 18 of the Code of Federal Regulations by deleting the schedule "Contributions in Aid of Construction," and adding a new schedule titled "Accumulated Provision for Amortization of Electric Plant in Service," immediately following the schedule titled "Accumulated Provisions for Depreciation of Electric Plant." As so amended, that portion of § 141.1(d) will read:

§ 141.1 Form No. 1 Annual report for electric utilities, licensees and others (Class A and Class B).

* * * * *

(d) * * *

* * * * *

Contributions in Aid of Construction. [Revoked]

* * * * *

Accumulated Provision for Amortization of Electric Plant in Service.

* * * * *

H. It is proposed to amend paragraph "(f) *Description of Statements*" in § 154.63, Chapter I, Title 18 of the Code of Federal Regulations as follows:

(1) Revise the first sentence of "*Statement B—Rate base and return*" to delete the reference to "Contributions in Aid of Construction."

(2) Amending *Schedule D-3* instructions of "*Statement D—Accumulated provisions for depreciation, depletion, amortization and abandonment.*" of subparagraph (f).

The amended portions of § 154.63(f) will read:

§ 154.63 Changes in tariff, executed service agreement or part thereof.

* * * * *

(f) *Description of statements.* * * *

* * * * *

Statement B—Rate base and return. This statement shall summarize the overall gas utility rate base from the figures contained in Statements C, D, and E. * * *

* * * * *

Statement D—Accumulated provisions for depreciation, depletion, amortization, and abandonment. * * *

* * * * *

Schedule D-3, which is to be part of the working papers, a description of the methods and procedures followed in depreciating, depleting, or amortizing plant, accumulating contributions in aid of construction and recording abandonments by the company if any policy change has been made effective since the period covered by the last annual report FPC Form No. 2 was filed with the Commission.

I. It is proposed to amend paragraph "(c)" § 260.1, Chapter I, Title 18 of the Code of Federal Regulations by deleting schedule "Contributions in Aid of Construction." As so amended, that portion of § 260.1(c) will read:

§ 260.1 Form No. 2, Annual report for natural gas companies (Class A and Class B).

* * * * *

(c) * * *

* * * * *

Contributions in Aid of Construction. [Revoked]

* * * * *

J. Effective for the reporting year 1971, it is proposed to amend certain schedule pages of FPC Form No. 1, Annual Report for Public Utilities, Licensees and Others (Class A and Class B) prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment B (pages 1, 2, 5, 6, and 7), hereto.[2]

K. Effective for the reporting year 1971, it is proposed to amend certain schedule pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments B (pages 3 through 7), hereto.[2]

L. Effective for the reporting year 1971, it is proopsed to amend certain schedule pages of FPC Form No. 1-F, Annual Report for Public Utilities and Licensees (Class C and Class D) prescribed by § 141.2, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment B (pages 8 and 9), hereto.[2]

M. Effective for the reporting year 1971, it is proposed to amend certain schedule pages of FPC Form No. 2-A, Annual Report for Natural Gas Companies (Class C and Class D) prescribed by § 260.2, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment B (pages 10 and 11), hereto.[2]

N. Effective upon issuance, it is proposed to amend certain schedule pages of FPC Form No. 1-M, Annual Report for Municipal Electric Utilities Having Annual Electric Operating Revenues of $250,000 or More, prescribed by § 141.7, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment B (pages 12 and 13), hereto.[2]

O. Effective upon issuance, it is proposed to amend certain schedule pages of FPC Form of Initial Cost Statement for Licensed Projects (Form No. 6), prescribed by § 141.11, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment B (pages 14 and 15), hereto.[2]

P. Effective upon issuance, it is proposed to amend certain schedule pages of FPC Form No. 9, Annual Report Form for Licensees of Privately Owned Major Projects (Utility and Industrial), prescribed by § 141.13, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment B (pages 16 through 18), hereto.[2]

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15135 Filed 10-15-71;8:48 am]

[2] Filed as part of the original document.

FEDERAL TRADE COMMISSION

[16 CFR Part 434]

LABELING AND ADVERTISING REQUIREMENTS FOR DETERGENTS

Additional Time for Submission of Written Comments Regarding Proposed Trade Regulation Rule

Public hearings were held in April and June 1971, regarding the proposed Trade Regulation Rule concerning labeling and advertising requirements for detergents. The Commission's closing date for submission of written comments to be placed on the Public Record for this proceeding had been extended to October 15, 1971, at the request of the Council on Environmental Quality, on behalf of the Administration.

The Ecology Center Communications Council, Friends of the Earth, League of Conservation Voters, Sierra Club, Environmental Action, and Zero Population Growth have requested the Commission to extend the date for filing written data, views, or arguments for an additional 2 weeks. The Commission pursuant to the above requests and on its own motion has extended the closing date for submitting written data, views, or arguments with respect to this proceeding to November 16, 1971.

All data filed in this proceeding will be available for public inspection in room 130 of the Division of Legal and Public Records, Federal Trade Commission, Washington, D.C. 20580. All such data, views, or arguments filed not later than November 16, 1971, will be considered by the Commission in determining the proper disposition of this matter.

Approved: October 13, 1971.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.71-15176 Filed 10-15-71;8:50 am]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

UNIMAK ISLAND

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on December 14, 1971, in the COMSERFAC Theater, Cold Bay, Third Judicial District, Alaska, and continuing at 7 p.m. on December 17, 1971, at the Alaska Methodist University Auditorium, Anchorage, Third Judicial District, Alaska, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including a portion of Unimak Island within the National Wilderness Preservation System. The wilderness proposal consists of approximately 965,042 acres of Unimak Island in the Aleutian Islands National Wildlife Refuge, Alaska.

Information including a map about the proposal may be obtained from the Refuge Manager, Aleutian Islands National Wildlife Refuge, Cold Bay, Alaska 99571, or from the Alaska Area Director, Bureau of Sport Fisheries and Wildlife, 6917 Seward Highway, Anchorage, Alaska 99502.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by January 17, 1972.

SPENCER H. SMITH,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.71-15102 Filed 10-15-71;8:46 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. A-580]

WALTER A. JOHNSON, JR.

Notice of Loan Application

OCTOBER 8, 1971.

Walter A. Johnson, Jr., Post Office Box 114, Yakutat, AK 99689, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 37-foot in length, to engage in the fishery for salmon, shrimp, herring, halibut, and crab.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.71-15118 Filed 10-15-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 7750; Docket No. FDC-D-248; NDA 7-750 etc.]

CERTAIN GLUCOCORTICOID DRUGS FOR ORAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

Correction

In F.R. Doc. 70-14114 appearing at page 16424 in the issue for Wednesday, October 21, 1970, paragraph 2 under the heading "Indications" under "Oral Glucocorticoids" on page 16425, should read as follows:

2. Rheumatic Disorders:

As adjunctive therapy for short-term administration (to tide the patient over an acute episode or exacerbation) in:

Psoriatic arthritis.

Rheumatoid arthritis (selected cases may require low-dose maintenance therapy).

Ankylosing spondylitis.

Acute and subacute bursitis.

Acute nonspecific tenosynovitis.

Acute gouty arthritis.

[DESI 7322]

TETRACYCLINE AND CERTAIN OTHER DRUGS FOR SYSTEMIC USE

Drugs for Human Use; Drug Efficacy Study Implementation

Correction

In F.R. Doc. 71-13141 appearing at page 18022 in the issue of Wednesday, September 8, 1971, the entry for 5.d. under section I should read "Achromycin Capsules (NDA 50-278),".

CIVIL AERONAUTICS BOARD

[Docket No. 23893; Order 71-10-43]

EASTERN AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of October 1971.

By tariff revision[1] marked to become effective October 13, 1971, Eastern Air Lines, Inc. (Eastern) proposes to revise the applicability of its night first-class and night coach fares so as to apply on flights departing San Juan for Chicago between the hours of 8:15 p.m. and 4 a.m. instead of the present 9 p.m. and 4 a.m.

In support of the proposed revision, Eastern asserts that an 8:15 p.m. departure from San Juan to Chicago will permit an 11:59 p.m. departure of the return flight from Chicago to San Juan rather than a postmidnight departure. The carrier alleges that a postmidnight departure causes confusion as to the actual day the passenger is scheduled to depart and that the proposed change will alleviate this situation.

Upon consideration of all relevant matters, the Board finds that the proposed revision in the application of night fares from San Juan to Chicago, may be unjust or unreasonbale, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the proposed revision should be suspended pending investigation.

We are not persuaded that Eastern's proposal is warranted on the basis of conveniencing passengers traveling from Chicago to San Juan. Moreover, the carrier has not shown that an 8:15 p.m. departure from San Juan would be "off-peak" within the meaning of § 399.33(a) of our regulations, and a further liberalization of the hours of applicability of night fares in this market could only lead to an unnecessary erosion of yields which are presently among the lowest in the Nation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions in the explanations of the encircled -D and encircled -E reference marks on 4th Revised Page 63 of Eastern Air Lines,

[1] Revision to Eastern Air Lines, Inc. Tariff CAB No. 326.

Inc.'s CAB No. 326, and rules, regulations, or practices affecting such provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the explanations of the encircled –D and encircled –E reference marks on 4th Revised Page 63 of Eastern Air Lines, Inc.'s CAB No. 326 are suspended and their use deferred to and including January 10, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be served upon Eastern Air Lines, Inc. which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-15145 Filed 10-15-71;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

2-SEC-BUTYLAMINO-4-ETHYLAMINO-6-METHOXY-S-TRIAZINE

Notice of Extension of Temporary Tolerances

Geigy Agricultural Chemicals, Division of Ciba-Geigy Corp., Ardsley, N.Y. 10502, was granted temporary tolerances for the combined residues of the herbicide 2-*sec*-butylamino-4-ethylamino-6-methoxy-*s*-triazine and its metabolites 2-*sec*-butylamino-4-amino-6-methoxy-*s*-triazine. 2-amino-4-ethylamino-6-methoxy-*s*-triazine, and 2,4-diamino-6-methoxy-*s*-triazine in or on the raw agricultural commodities fresh alfalfa and alfalfa hay at 1 part per million on June 16, 1970 (notice was published in the FEDERAL REGISTER of June 23, 1970 (35 F.R. 10237)).

The firm has requested a 1-year extension to obtain additional experimental data. It is concluded that such extension will protect the public health. A condition under which these temporary tolerances are extended is that the herbicide will be used in accordance with the temporary permit which is being issued concurrently by the Environmental Protection Agency and which provides for distribution under the Ciba-Geigy Corp. name.

These temporary tolerances will expire June 16, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038).

Dated: October 8, 1971.

WILLIAM M. UPHOLT,
Assistant Deputy Administrator for Pesticides Programs.

[FR Doc.71-15099 Filed 10-15-71;8:45 am]

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1192) has been filed by E. I. du Pont de Nemours and Co., Inc., Wilmington, Del. 19898, proposing establishment of tolerances (21 CFR Part 420) for residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) in or on the raw agricultural commodities peanut forage and hay and sugar beet tops at 15 parts per million; peanut hulls at 2 part per million; and meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep and milk at 0.05 parts per million.

The analytical method proposed in the petition for determining residues of the fungicide is that of H. L. Pease and J. A. Gardiner, "Journal of Agricultural and Food Chemistry," vol. 17, pages 267-270 (1969).

Dated: October 8, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-15100 Filed 10-15-71;8:45 am]

RHODIA, INC.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PF 2F1193) has been filed by Rhodia, Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, NJ 08903, proposing establishment of tolerances (21 CFR Part 420) for residues of the insecticide phosalone (*S*-(6-chloro-3-(mercaptomethyl)-2-benzoxacolinone) *O,O*-diethyl phosphorodithioate) in or on the raw agricultural commodities citrus fruit at 3 parts per million and meat, fat, and meat byproducts of cattle at 0.05 part per million (negligible residue).

Notice is also given that the same firm has filed a related food additive petition (FAP 2H2668) proposing establishment of a food additive tolerance (21 CFR Part 121) of 12 parts per million for residues of phosalone in or on dried citrus pulp resulting from application of the insecticide to the growing citrus fruit.

The analytical method proposed in the pesticide petition for determining residues of the insecticide is a gas chromatographic procedure with an electron-capture detector.

Dated: October 8, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-15101 Filed 10-15-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-1036]

COLUMBIA BROADCASTING SYSTEM, INC.

Memorandum Opinion and Order Regarding Waiver of Prime Time Rules for One-Time-Only Events

1. Columbia Broadcasting System, Inc. (CBS) has petitioned the Commission for waiver of § 73.658(k)(1) of the Commission's rules to permit affiliated stations of all networks to carry additional one-time-only news and public affairs broadcasts in prime time during the 1971-72 season, and to permit affiliates of the CBS television network to carry two news series broadcasts in prime time on Sunday evenings during that season.

2. CBS moves under the provision of § 73.658(k)(1) that: "After October 1, 1971, no television station assigned to any of the top 50 markets in which there are three or more operating commercial stations, shall broadcast network programs offered by any television network or networks for a total of more than three hours per day between the hours of 7 p.m. and 11 p.m., local time, except that in the central time zone the relevant period shall be between the hours of 6 p.m. and 10 p.m." For the purpose of subparagraph 1 of this paragraph, network programs shall be defined to exclude special news programs dealing with fast-breaking news events, on-the-spot coverage of news events and political broadcasts by legally qualified candidates for public office. CBS states that most network news and information broadcasts, including network documentaries and news magazine types of programing, rarely, if ever, come within the stated exceptions. CBS cites as examples its CBS Television Network series "60 Minutes," and "Voices in Opposition," carried by CBS last September 5 in response to a Commission ruling requiring the broadcast of views opposing those expressed in certain appearances of President Nixon. Nor, it asserts, would broadcasts of most Presidential appearances themselves qualify as exceptions other than in rare instances where they might involve "on-the-spot" coverage of news events. CBS further notes that although broadcasts by candidates for public office are

exempt from the rule, broadcasts made on behalf of candidates by political supporters and political parties, and news broadcasts dealing with preelection and preconvention activities, are not exempt.

3. CBS believes that the prime time access rule should not apply to network news and public affairs programs, but recognizes that the Commission has given careful attention to this general issue in the basic rule making proceeding, and does not seek at this time a general exemption for all news programs. It does specifically seek two types of waivers. The first is that we grant a waiver for all stations during the 1971–72 season exempting news and public affairs broadcasts that are not part of a series (estimated by CBS for itself as being from 15 to 25 programs). The second is for CBS affiliates only, to enable CBS to offer, and its affiliated stations to carry, the weekly CBS "60 Minutes" series, heretofore announced for 6–7 p.m. CNYT, at 6:30–7:30 p.m. Sunday nights,[1] and the CBS Sunday News with Dan Rather at 10:30 or 10:45 p.m., instead of at 11 p.m., immediately following the conclusion of the CBS network prime-time schedule on Sunday night. The net effect of these two Sunday evening changes would be to permit the scheduling of an additional 45 or 60 minutes per week of news and information within the 7–11 prime-time period. The waivers are opposed by Westinghouse Broadcasting Co., Inc., which asserts that they are unjustified and in fact constitute requests for amendment of the rule.

4. We are not persuaded that the waivers for Sunday evening should be granted. As Westinghouse urges, these waivers would foreclose Sunday evening to independent programing without any ameliorating reduction by CBS of its evening schedule on any other day of the week. This would weaken the objective of the rule, and might do so to the point that a fair test of the rule would be precluded.[2] However, we believe that the public interest would be served by a grant of a waiver for one-time only news and public affairs programs for the period requested. This will serve to facilitate the presentation of public affairs programs during an election year. While we might require the filing of individual waiver requests for each program, we do not believe that it is necessary. We also note that we are not now reconsidering our finding in the basic rule making proceeding that only certain news-type programs should be exempted. This waiver is only for the limited period requested, a period during which stations are already free to utilize off-network series and feature films which will otherwise not be permitted to be used in substitution for the network programs precluded by the rule. In view of the limited duration of the waiver we are granting, and the fact that we have not changed the permanent policy or terms of the rule, we do not think there is involved an amendment requiring rule making proceedings.

Accordingly, it is ordered, That the petition for waiver filed by Columbia Broadcasting System, Inc., on March 31, 1971, is granted to the extent indicated above and is otherwise denied.

Adopted: October 6, 1971.

Released: October 12, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-15151 Filed 10-15-71;8:49 am]

[FCC 71-1037]

NATIONAL TELEVISION NETWORKS

Memorandum Opinion and Order Regarding Waiver of Prime Time Rules for Sports and Special Events

1. The Commission here considers various requests for waiver of the "prime time access" rule, § 73.658(k) of the Commission's rules, which, in general, after October 1, 1971, limits television stations in the top 50 markets to the presentation of no more than 3 hours of network programing each evening during prime time. "Prime time" is defined as 7 to 11 p.m., local time, except 6–10 p.m. in the central time zone. The present document deals with various requests filed by the three national networks[1] during the last 3 months, seeking waivers of the 3-hour limitation in connection with various sports events and, for NBC, a request also for waiver in connection with two individual programs generally carried by NBC stations simultaneously with their occurrence: The motion picture Academy Awards program in April 1972, and the finals of the "Miss America" contest in September 1972. None of the requests was opposed. Other requests by networks and stations are discussed in other documents adopted today.

2. *NBC and CBS requests concerning individual baseball and football games and one golf tournament ("runover" programs).* In its request filed August 31, 1971, NBC requests waiver in connection with the presentation of various professional baseball and football games between October 1, 1971 and January 1972, three Saturdays of NCAA basketball in March 1972 and the Bob Hope Golf Classic on a Saturday and Sunday in February 1972. This sports coverage normally concludes before prime time begins, since all of the baseball and football games begin at about 4 p.m. or earlier, e.t.,[2] the latest of the basketball games is expected to begin at about 5 p.m., e.t., and last less than 2 hours, and the golf coverage, beginning at 5 p.m., e.t., is expected to be over by about 6:30. However, NBC points out that these games may involve overtime, "sudden death" playoffs, extra innings, etc., or possibly weather delays, and therefore conceivably could run a few minutes into prime time. Since it wishes to be able to present its regular 3 hours of prime time evening programs on these days, it requests a waiver for the eastern and central time zone to the small extent it may be necessary. The waiver is requested for any game starting at about 4 p.m., e.t., and one NCAA basketball double header starting at 3 p.m., e.t. NBC also requests a waiver, in the event it is necessary, in connection with one World Series baseball game which will be broadcast at night, together with a 30-minute pregame show, the former starting no earlier than 7:30 p.m., e.t., and the two preempting regular network shows for that night. The CBS request filed July 9, 1971, is for similar situations in professional football only (about 11 dates).

3. This type of situation was recognized in the May 1970 decision adopting the "prime time" rule (Report and Order in Docket 12782, 23 FCC 2d 382), where we stated in Footnote 35 that, while live sports events were not exempted as such from the rule, the Commission would consider requests for occasional waivers where such events normally conclude before the beginning of prime time but may run into it (and also for events beginning in prime time and usually less than 3 hours but occasionally more). The CBS request, and the NBC requests mentioned above, clearly fall within this principle, and accordingly we are granting waivers in these cases as requested.

4. *Requests by ABC in connection with individual events.* ABC requests waiver in connection with sports events on 12 days (all Saturday or Sunday) from October 9, 1971, to February 6, 1972. Unlike the CBS and NBC requests, these

[1] CBS states that it has announced a 1971–72 network schedule which commences at 7:30 p.m. CNYT on Sundays, the evening on which the National Broadcasting Co., Inc. was given a waiver of the prime time access rule during the 1971–72 season to permit its affiliated stations to carry an additional half hour of programing in lieu of a half hour on another day of the week.

[2] We note here that this is not the situation referred to in footnote 36 of our May 4, 1970 Report and Order, 23 FCC 2d at 395, where we stated that we would grant waiver for stations carrying 1 hour of local news who wish to carry their half hour network news broadcast at 7 p.m. instead of 6:30 p.m. CBS here is merely desirous of moving two Sunday evening news programs into the 7 to 11 p.m. period.

[3] Chairman Burch abstaining from voting; Commissioner Bartley concurring in part and dissenting in part and issuing a statement in which Commissioner Johnson joins, filed as part of the original document.

[1] American Broadcasting Cos., Inc. (ABC), Columbia Broadcasting System, Inc. (CBS), and National Broadcasting Co., Inc. (NBC).

[2] The baseball and football situations include 20 dates, all Saturday or Sunday except two World Series games. On two or possibly three Sundays in October, the programing will be World Series games starting at about 1 p.m., e.t., followed by pro football at about 4 p.m., e.t., or some variation of that arrangement.

NBC estimates that baseball games take normally about 2½ hours, pro football 2¾ hours, and basketball no more than 2 hours. It is stated that of 27 pro football games presented by NBC in the fall of 1970 (starting at about 4 p.m., e.t.), only one ran after 7 p.m., e.t., and that by less than 10 minutes.

apparently contemplate "runover" from afternoon into prime time, or more than 3 hours during prime time, as a matter of regular course. The first 5 involve Saturdays this fall, when ABC carries NCAA football. One (November 20) is for waiver to carry two late afternoon and evening games which will occupy all or nearly all of the four prime time hours in the eastern and central zones. Another (November 27) involves an afternoon NCAA double header, lasting from about 1 p.m. to 7:30 p.m., e.t., with a following program on college football generally until 8 p.m.; waiver is requested in the eastern and central zones so that later regular evening programing may also be carried. The request for November 6 involves a football game (beginning at 9:30 p.m., e.t.) plus a 1½ hour movie; waiver is not required in the east but is in the central and other zones. A request for October 9 contemplates football until 6 p.m., e.t. and then the regular Saturday "Wide World of Sports" program until 7:30, requiring waiver in the eastern and central zones if regular evening programing is to be carried thereafter. The October 16 NCAA game coverage is expected to run until 7:30 e.t., and waiver is requested in the eastern and central zones so that regular evening programs may follow. The other 7 events listed include two holiday-season Bowl games (East-West and Hula Bowl), two golf tournaments each with coverage on both Saturday and Sunday, and an NBA basketball game. Coverage of the events will run until 8 p.m., e.t. in two cases and 7:30 p.m., e.t. in five, and waiver in the eastern and central zones is therefore requested so that regular evening programing may also be presented.

5. These requests present a much greater problem in terms of the rule and its objectives than do the NBC and CBS matters dealt with above, because in general they contemplate incursions into prime time by sports coverage as a matter of plan and regular course, rather than more or less fortuitously, such coverage to be presented along with the usual amount of evening network programing, usually entertainment. Thus, of the 12 events, 10 involve sports running till 7:30 or 8 p.m., e.t., apparently to be followed by the customary three hours of network prime-time material.

6. These requests present a much greater problem in terms of the rule and its objectives than do the NBC and CBS matters dealt with above, and in our view they must be denied (except that we are granting waiver for the two occurring in the immediate future, during October, in order to avoid last minute disruptions). In general, they contemplate use of prime time for sports coverage as a matter of plan and regular course, on a substantial number of days,[3] to be presented along with the usual amount of network prime time programing, usually entertainment. Thus, 10 of the requests are to use 30 minutes or an hour of the early part of prime Saturday or Sunday hours for sports coverage, followed apparently by the usual 3 hours of regular programs. Another, for November 6, involves (in all time zones except eastern) 2½ hours of football plus 1½ hours of network movie entertainment. Clearly, these proposals go far beyond the matters referred to in "footnote 35"[4] and grant of the requests would be inconsistent with the spirit and purpose of the rule.

7. We point out that there is not generally involved here the question of whether the network may present, and its affiliates may carry, these popular sports events in prime time. Of course, they may, and to their completion. What is involved is whether these events should be exempted from the permissible 3 hours of network prime-time programing on these nights, so as to permit the networks to present and their affiliates to carry the full network prime time lineup in addition to the sports material. To permit this would be to abandon to a very substantial extent the spirit and objectives, as well as the letter, of the rule, and we cannot agree that this should take place. To put it otherwise, what we are saying is that if the networks are going to present sports during prime hours, they should plan to do it by preempting their regular programs, or "on their own time", rather than through incursion into the hours which have been made available to non-network sources under the rule.

8. The foregoing observations apply less to one of the ABC requests, for November 20, when it asks waiver to present an NCAA football "double header", the last portion of the afternoon game and all or most of the evening game occurring during prime hours, with no regular network programs to be carried. Thus, in this one instance, it appears that all of the prime hours (in the eastern and central zones) will be used for live sports coverage, or at least live coverage plus related material concerning college football that day. It could be argued that this is comparable to the New Year's Bowl game waiver previously granted to NBC. However, while this is different from the other requests, we are not persuaded that a regular-season football "double header", on one of several Saturdays during the season, falls into the same category as the historically well-established New Year's Day situation. Grant of waiver in this not unusual case—to permit 4 hours of sports coverage in prime time—is too likely to serve as an undesirable precedent for expanding the three permissible 3 hours to 4 on a large number of occasions, for various reasons.[5] Therefore, this request is denied along with most of the others.[6]

9. Therefore, as far as their merits are concerned, we conclude that all of the ABC requests concerning specific events this fall and coming winter must be denied. However, it is also noted that two of these events are scheduled for the immediate future, during October (October 9 and 16). ABC's counsel in a letter of October 5, 1971, pointed out the disruption which would result if the request in the October 9 case (involving "Wide World of Sports") were denied at this late date. Accordingly, the two waiver requests for October dates are granted.[7]

10. *NBC and ABC requests concerning the 1972 Olympic Games.* Both NBC and ABC request a blanket waiver, to permit affiliates to carry up to 4 hours a night of their programs during the periods of the 1972 Olympic Games. NBC's request is in connection with the winter Olympics from Japan in the first half of February 1972; that of ABC is in connection with the summer Olympics from Germany during the period August 25–September 10, 1972. NBC's request is quite general, stating that it is not possible now to predict when the coverage will take place, or what will be carried, the latter depending on what will be of most interest to the public. It is stated that some of the events are expected to be presented "live", via satellite. ABC is somewhat more specific, presently contemplating 7:30 to 11 each night, Monday to Friday, in 2 weeks at the end of August and beginning of September, plus weekend coverage which cannot now be predicted, for a total of 47 hours of prime-time and 19½ hours of non-prime-time coverage.

11. The presentation of substantial Olympic coverage appears to be desirable and in the public interest. However, we are of the view that these rather general requests must be denied. Certainly this is true of NBC; it appears possible that that network may be contemplating only the type of practice discussed above in connection with ABC's individual requests, presenting some Olympic coverage in prime time in addition to its regular network lineup. If so, the statement set forth above is applicable. It appears that ABC contemplates on weekdays preemption of regular network prime-time programing plus an additional half-hour. Since these events occur only every

[3] It is roughly 4 months, or about 120 days, between now and February 6, 1972, the date of the last request. Twelve dates within this period means roughly one waiver every 10 days.

[4] This is even more true because some of the prime-time sports coverage proposed is not "live coverage" at all, but a post-game general review of college football (November 27), or (October 9) the "Wide World of Sports", which has no particular relation to the preceding football game except that both deal with sports.

[5] There are, of course, many Saturday afternoon college games and some Saturday evening college games on numerous dates each fall. To the extent that ABC wishes to present one afternoon and one evening game, it should be able to find combinations (e.g., a Saturday afternoon game starting early) which do not involve this prime-time problem.

[6] ABC's argument, concerning the fact that waiver is sought only for certain time zones rather than the entire country, is discussed below in connection with two NBC requests involving the same type of situation.

[7] In granting two of ABC's specific waiver requests, we have acted in its case comparably with the two sports waivers previously granted NBC, which ABC urges as one reason for favorable treatment.

4 years, this could perhaps be considered. However, here also we must bear in mind the undesirability of permitting large-scale network incursion into prime time reserved for nonnetwork sources, even when it is accompanied by preemption of their regular prime-time programs. In the absence of more specific information, including some idea of weekend programing plans, we must deny the ABC request also.[8] In both cases, the networks may wish to renew their request, with more specific information.

12. *NBC requests concerning the Academy Awards and Miss America programs.* NBC presents the annual Academy Awards program in April, and the finals of the Miss America contest in September, from 10 p.m. to midnight, e.t., simultaneously in all of the United States (in contrast to most of its programing, which is delayed in the mountain and Pacific zones). It wants to continue to present 2 hours of regular prime-time programing in addition on these nights. This presents no problem under the rule in the eastern and central zones, where only 1 hour of the special program falls within prime time; but it does in the zones to the west, where all of the "special" falls within prime time and the regular programing, added to it, would exceed the 3-hour limit.

13. Despite the fact that these are irregular and in a sense "special" programs, and that the waiver would be needed only in two zones of the country in which the markets among them contain less than 20 percent of the prime-time homes in the total of the "top 50 markets" of the Nation, we are of the view that waiver should be denied.[9] We have already mentioned the high importance which is and must be attached to preserving a substantial amount of desirable prime hours for nonnetwork sources, free from network impingements; and that therefore, in our view, such preempting programs must be presented by the networks, generally and here, "on their own time" as far as prime hours are concerned. This is true, it appears to us, no matter where the "prime hours" involved are located. Thus, in those areas where more than 1 hour of the NBC special programs will be included in prime hours, we believe the network and its affiliates should be expected to present correspondingly less of regular material.

14. *Request of ABC concerning two Michigan markets.* ABC also makes one special request concerning its affiliates in Detroit and Grand Rapids, Mich., arising from the fact that Michigan, in the eastern time zone, does not observe advanced or daylight saving time. An important feature of ABC's current programing is NFL football games on Monday evenings, starting at 9 p.m., eastern time. During the month of October, October 11, 18, and 25. These will begin on the Michigan stations at 8 p.m., Michigan time. Even so, no problem would be presented except that, like most ABC affiliates, these stations have chosen to cut back on Monday nights to 2½ hours of prime-time ABC programs in order to compensate for ABC's schedule of 3½ hours on Tuesdays. Waiver for these affiliates to carry the Monday-night games is requested. It appears appropriate, and is granted.

15. In view of the foregoing: *It is ordered,* That:

(a) Stations affiliated or under common ownership with the Columbia Broadcasting System, Inc. (CBS) or National Broadcasting Co., Inc. (NBC), television networks may present, through January 23, 1972, without counting any of the time against the prime-time network' programing permissible under § 73.658(k) of the rules, all of any World Series baseball game or professional football game beginning no later than about 4 p.m., e.t., or any two such games when the first begins no later than about 1 p.m., e.t., or any basketball game beginning no later than about 5 p.m. e.t.; or coverage of the Bob Hope Golf Classic on Saturday and Sunday, February 12 and 13, 1972.

(b) Stations affiliated or under common ownership with the NBC network may present, on any night during October 1971 during which that network presents a World Series baseball game at night, up to 4 hours of network programing without being required to cut back network programing on another night.

(c) Stations owned by or under common ownership with the American Broadcasting Cos., Inc. (ABC) television network may present up to 3½ hours of network programing during prime time on October 9 and October 16, 1972, without any requirement that they reduce their network programing on other nights.

(d) Stations affiliated or under common ownership with the ABC network in Detroit and Grand Rapids, Mich., may present ABC football games on Monday nights during the month of October 1971, in their entirety, without counting more than 2 hours toward the time permissible under § 73.658(k) of the Commission's rules.

16. *It is further ordered,* That, the requests for waiver of § 73.658(k) filed by American Broadcasting Cos., Inc. (ABC), on July 2, 1971, Columbia Broadcasting System, Inc. (CBS), on July 9, 1971, and National Broadcasting Co., Inc. (NBC), on August 31, 1971, are granted to the extent indicated herein and in all other respects are denied.

Adopted: October 6, 1971.

Released: October 12, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[10]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-15152 Filed 10-15-71;8:49 am]

[FCC 71-1038]

STATION KOA-TV ET AL.

Memorandum Opinion and Order Regarding Prime-Time Hours in Mountain Time Zone

In the matter of requests for waiver of "Prime-Time Access" rule (§ 73.658(k)) (stations in the mountain time zone).

1. The Commission here considers the matter of adjustment of the hours to be defined as "prime time" in the mountain time zone, for the purposes of § 73.658(k) of the rules. This section, which goes into operational effect October 1, 1971, in general limits television stations in the top 50 markets (using American Research Bureau, Inc. (ARB) figures for total homes viewing in the market during prime time) to 3 hours of network programing during prime hours each evening. There are three markets of the "top 50" in the mountain zone: Denver, Colo., Phoenix, Ariz., and Salt Lake City, Utah, each having three network-affiliated stations. The rule now defines "prime time" as 7 p.m. to 11 p.m. local time, except in the central time zone, where it is 6 to 10 p.m. Thus it is 7 to 11, m.t., in the mountain zone. Most programing of the national TV networks, although apparently not all of it, is presented on a delayed basis in this part of the country.

2. The three requests under consideration here were filed by the licensees of Stations KOA-TV (KOA), Denver, and KTAR-TV and KOOL-TV (KTAR and KOOL), Phoenix. The first two are NBC affiliates; KOOL is CBS. The KOA request was based on the claim that the hours should be 6 to 10 p.m., mountain time, since these are the hours of highest viewing in the area. It is asserted that ARB uses these hours in determining "prime-time" viewing in these markets,[1] and that the Denver

[8] Unlike NBC, ABC does not state that any of the programing will be "live", and, in view of the time differential between Munich and the United States, it is doubtful that it would ever be presented simultaneously with its occurrence.

[9] ABC made a similar argument in connection with its requests for individual sports events: That note require waiver in all time zones. The point is of considerably less significance in its situations than it is here, since 11 of the 12 events involve waiver in both eastern and central zones, the large markets in them having a total of more than 80 percent of the nation's "top 50 markets" prime time households. In the other case, waiver is needed in all zones except eastern, which means more than 40 percent of the "top 50 markets" prime time households.

[10] Chairman Burch abstaining from voting; Commissioner Bartley concurring in part and dissenting in part and issuing a statement in which Commissioner Johnson joins; Commissioner Wells concurring in part and dissenting in part and issuing a statement. Statements filed as part of the original document.

[1] Page 26 of the prefatory material to the March 1971 ARB Research Report indicates that "evening prime time" is considered to be 7:30–11 p.m. in the eastern and Pacific zones, and 6:30–10 p.m. in the central and mountain zones.

stations in general charge their highest time rates for this period: The highest-rated periods for the ABC affiliate and the independent are from 6 to 10 p.m., for the CBS affiliate 6 to 10:35 p.m., and for KOA 6:30–10 p.m. It is also pointed out that NBC's "Tonight" (Johnny Carson) show, generally presented after prime time, is carried at 10:30 p.m., m.t., and that the Denver stations generally carry all their prime time programs before 10 p.m. and local news at 10 p.m. Accordingly, it is asked that for KOA–TV, 6 to 10 p.m. be considered "prime time" for the purpose of the rule.

3. As KOA also points out, this matter of defining "prime time" in the mountain zone was left somewhat open in the May 1970 Report and Order adopting the "prime-time access" rule (Report and Order in Docket 12782, 23 FCC 2d 382). In footnote 34 of that decision (23 FCC 2d 394) we stated that there was only one market in the top 50 within the zone (Denver), and that if the specified 7 to 11 p.m. period needs adjustment, this can be effectuated on an appropriate request.

4. The KTAR and KOOL requests are somewhat more elaborate, involving a distinction between Monday–Friday and weekends. KTAR asserts that the "network feed" arrives in Phoenix when it is 2 hours earlier (local time) than in New York City, or, for prime time material, 5:30 to 9 p.m. mountain time (7:30–11 p.m. N.Y. time). On weekdays, KTAR records this and delays it 1 hour, so that prime-time material is presented from 6:30 to 10 p.m. locally. On the other hand, because of local viewing habits and the fact that weekend network programs are in substantial part sports events which should be presented as they occur, KTAR–TV and the other Phonenix stations have tended to carry weekend network material on a simultaneous basis, which would mean prime-time material from 5:30 to 9 p.m. Saturdays and Sundays. KTAR states that it presents local programing after 9 p.m., on these days, the NBC "Tonight" show being carried at 10:30 p.m. Saturdays. Accordingly, KTAR asks that "prime time" on weekdays be 6 to 10 p.m., and on the 2 weekend days 5 to 9 p.m. This, it is urged, would reflect the apparent intent of the Docket 12782 decision to have network prime-time material affected the same throughout the nation (regardless of local time) or else at least represent the hour at which prime time programs have historically been presented locally. KOOL makes similar assertions.

5. NBC filed, on August 11, 1971, a statement supporting KOA and KTAR, claiming that unless some adjustment is made viewers will suffer severe dislocations of viewing patterns, greater than those in other parts of the country. It is claimed that the broadcast pattern in this zone is basically the same as the Central zone—network programs from 6:30 to 10 p.m., followed by local programs and then the late evening network shows such as NBC's "Tonight" program, at 10:30 p.m. It is claimed that counting the latter as a prime-time program, which it would be under the rule, would be highly anomalous compared to what it is generally. NBC also notes the fact that the May 1970 decision adopting the rule left this question open, and asserts that this was wise in view of the modifications in the sequence of network programs which these stations often engage in.

6. Oppositions to the request—insofar as it would apply to any but the stations which urged it—were filed by the licensees of the ABC and CBS affiliates in Denver and Salt Lake City.[2] The chief ground of objection to the change was the lateness of it in relation to the upcoming season and program plans which have already been made; for example KBTV, Denver, lengthened its 10 p.m. news to 1 hour and will delay the CBS late evening show until 11 p.m. mountain time. It is also claimed by Screen Gems (KCPX–TV, Salt Lake City), that this request has nothing to do with the public interest; rather, it represents the private concerns of two NBC affiliates that the "Tonight" show, which NBC refuses to permit them to broadcast starting later than 10:30 p.m. mountain time, will be included in prime time.[3] These parties do not object to the stations themselves being permitted such a revision.

7. CBS filed on August 12, 1971, a statement suggesting that there should be some flexibility for stations in the mountain zone, because of their unique program distributional arrangements. It is suggested that 5 to 9 p.m. might be approriate for stations on weekends, and that generally either 7 to 11 p.m. or 6 to 10 p.m. would be satisfactory. Asserting that the purpose of the rule would be accomplished in either event (with 3 hours for network programs and one for nonnetwork), CBS stated that actually these markets are not very important in determining whether the goals of the rule will be attained, which will depend rather on stations in the other, more heavily populated zones. It is also noted that now would be rather close to the start of the season for the Commission to make any changes where stations have come to rely on the rule as adopted; CBS concludes that it would be appropriate, at least for the 1971–72 year, to let stations use whatever 4-hour period they have planned on. It states that it would not object to grant of the 6 to 10 p.m. request of KOA, or the 5 to 9 p.m. on weekends request of KTAR.

[2] In Denver, Mullins Broadcasting Co. (KBTV, ABC) and Time-Life Broadcast, Inc. (KLZ–TV, CBS); and in Salt Lake City, Screen Gems Stations, Inc. (KCPX–TV, ABC) and KSL, Inc. (KSL–TV, CBS).

[3] The licensee of the Salt Lake City NBC affiliate (KUTV, Inc.) also filed a request for of § 73.658(k), which is considered today in connection with other individual requests. Part of its problem arises from the fact that the "Tonight" show would be in prime time if the presently specified hours are retained in the rule; but it does not request waiver of the rule along this particular line.

Conclusions

8. Upon consideration of the foregoing matter, it appears that, if one overall definition of "prime time" is to be used for the stations in the mountain time zone, probably it should be 6 to 10 p.m., mountain time, since these appear to be the "prime hours" to a greater extent than 7 to 11 p.m. However, it must also recognize that the 1971–72 season is here, and as indicated above, a number of stations have based their plans on the 7 to 11 p.m. period specified in present § 73.658(k) for all time zones except central. We also agree with the statement of CBS that, whatever might be the case with respect to permitting nationwide adjustments of the specified hours on a large scale, a change applicable to no more than three markets and nine stations could have, at most, insubstantial impact on attainment of the rule's objectives.

9. Accordingly, we are adopting pretty much the solution suggested by CBS, leaving the provisions of § 73.658(k) as they are but permitting those stations in the mountain time zone which wish to do so to redesignate their prime hours as 6 to 10 p.m., m.t., instead of 7 to 11 p.m. If they do so, compliance with the rule will be determined on the basis of the hours as redesignated. The redesignation if given must apply to all days of the week (except on weekends in the Phoenix market as indicated below), it will apply for the period ending September 30, 1972, and cannot be changed without Commission permission during that period, and stations wishing to redesignate their hours for that period must notify the Chief, Broadcast Bureau in writing before October 15, 1971. If no such notification is received, it will be assumed that the stations wish to have the hours 7 to 11 p.m., m.t., regarded as their prime hours.

10. The further request of the two Phoenix stations concerning weekend hours—that 5 to 9 p.m. be regarded as prime hours on Saturday and Sunday—goes somewhat further, since it may be open to question as to whether 5 or 5:30 p.m. is really part of a station's period of highest viewing, or "prime time", at least when sports events are not involved. However, in this connection there is another fact to be noted: Unlike most of the United States, Arizona does not observe daylight saving time, and therefore during half the year there is a 3-hour differential between New York time and Phoenix time, instead of the usual 2-hour difference between eastern and mountain zones. Therefore, the circumstances of this market are rather unique, and a special situation appears to be presented. Accordingly, we are granting this request. Stations in the Phoenix market may, if they wish, redesignate their prime hours as 6 to 10 p.m., m.t., daily, or 6 to 10 p.m. Monday through Friday and 5 to 9 p.m., m.t., on Saturdays and Sundays. The same provisions set forth in the last paragraph, concerning irrevocability and giving notice, will apply in these cases also.

11. In view of the foregoing: *It is ordered,* That television stations in the mountain time zone which are subject to the provisions of § 73.658(k) may redesignate their hours of "prime time", for the purpose of that section, as 6 to 10 p.m., m.t., daily instead of 7 to 11 p.m.; and that stations in Arizona subject to this rule may redesignate the hours of 5 to 9 p.m., m.t., on Saturdays and Sundays, as their prime hours instead of 7–11 p.m. or 6–10 p.m.; and if they notify the Chief, Broadcast Bureau, in writing on or before October 15, 1971, the rule will be applied to the hours as redesignated. If timely notification is not received, it will be assumed that stations in this time zone wish to have 7 to 11 p.m., m.t., considered as their prime hours. The redesignation, if given, will be effective for the period ending September 30, 1972, and cannot be changed during that period without prior Commission permission; and it will apply to all of the days of the week except for the different hours in the Phoenix market on weekends referred to above if stations choose to use them.

Adopted: October 6, 1971.

Released: October 12, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-15153 Filed 10-15-71;8:49 am]

[FCC 71-1039]

STATION KCPX-TV ET AL.

Memorandum Opinion and Order Regarding Prime Time Hours and Network Affiliates

In the matter of requests for waiver of "Prime Time Access" rule (§ 73.658(k)) (requests of individual stations).

1. The Commission here considers six pending requests for waiver of the "prime time access" rule, § 73.658(k) of our rules, filed by individual station licensees in the "top 50" markets. This rule provides, in general, that effective October 1, 1971, no television station in the 50 largest markets may present more than 3 hours a day of programing from the three national networks during "prime time" in the evening. "Prime time" is defined as 7 to 11 p.m., local time, except in the central time zone, where it is 6 to 10 p.m., c.t. Other requests, filed by the networks or by certain stations concerning adjustment of the "prime" period in the mountain zone, are dealt with in other documents adopted today.

2. *Four requests not contemplating network programs more than 21 hours a week.* Four of the six requests, on behalf of Stations KCPX-TV (ABC) and KUTV (NBC), Salt Lake City, Utah, KSTP-TV, St. Paul, Minn. (NBC) (Minneapolis-St. Paul), and KTHV (CBS), Little Rock, Ark., ask waiver of the 3-hour limitation for one or more nights, to be compensated by presenting less than 3 hours on other nights, so that overall the total taken from the network during prime time would be no more than 21 hours a week and usually less. The KCPX-TV request relates to Sunday evening, and, it is said, results from the fact that network programs on this evening are generally 1 hour or more (including a network movie), so that the affiliate has less flexibility in arranging a schedule without excluding a large amount of network programing. On this evening, it proposes to present ABC's "FBI" program (1 hour), plus ABC's movie, which is scheduled for 2 hours but often runs more, plus 15 minutes of network news (between 10:30 and 11, m.t.), a total of 3 hours 15 minutes and possibly more if the movie exceeds 2 hours. KCPX-TV will compensate for this by carrying only 1 ABC hour during prime time on Fridays, for a total per week of 19¼ to 20 hours. The KUTV request concerns Thursday evenings, when it will present the full 3-hour NBC prime-time lineup from 7 to 10, mountain time, followed by the Tonight (Johnny Carson) show at 10:30, a total of 3½ hours. KUTV contemplates only 17½ hours of NBC prime-time programs weekly, including preemption in favor of local material every day except Thursday and Saturday.[1]

3. The KSTP-TV request is for Tuesdays, simply to permit the presentation that night, on a delayed basis, of NBC's "District Attorney" program, scheduled on NBC Friday from 7–7:30 c.t. but, in KSTP's judgment, probably better directed to a more mature audience later on Tuesday evenings. It is pointed out that this DB will open up the only hour long period in prime time which is neither news nor network (Friday, 6:30 to 7:30 c.t.), in which the station will present a series of National Geographic specials, assertedly much in the public interest. It is also urged that a late Friday DB of the NBC program involved is less in the public interest since KSTP-TV plans to present a remote at that time from local entertainment places, where there is much more activity on Friday evenings than on Tuesdays. The KTHV request is for a similar transposition—carrying the CBS program "All in the Family" on Wednesday evening instead of Saturday—and in addition presenting 15 minutes of network news on Sundays after 3 hours of CBS entertainment programs. This would represent an additional 15 minutes. KTHV would compensate by not carrying the CBS Thursday movie in 3 weeks of the month, and in the 4th week (when CBS presents its public affairs program "CBS Reports" on Thursday) KTHV would instead preempt the Friday night CBS movie. The total CBS prime-time programing presented weekly would thus be 19 hours 15 minutes 3 weeks of a month, and 19 hours 45 minutes 1 week.[2]

4. In our judgment, waiver in these cases is not warranted. Common to all of them is the concept that deviations on an individual daily basis should be permitted, as long as the weekly total of network material presented in prime time does not exceed 21 hours. This is not the thrust of the rule, a restriction of this type having been discussed during the Commission's consideration of the Docket 12782 proceeding, and rejected in favor of a daily limitation of 3 hours. We adhere to that decision, at least for the present; and conclude that, in general and in these cases, if a network program is to be presented during prime hours on a different evening from that when it originates, there should be a compensating cutback on the same evening. To hold otherwise would tend in the direction of permitting stations in these major markets to carry entirely network programs during prime time on the more desirable evenings of the week, leaving nonnetwork prime-time material to the evening of lesser viewing and thus working to thwart the objective of opening up valuable prime hours. There is also the possibility that in the future, if substantial portions of prime hours are available each evening in the major markets, desirable nonnetwork "strip" programing may develop. We do not believe it appropriate to take action which might operate to foreclose such developments.

5. True, in the cases of two networks' affiliates, we have previously given them permission to carry up to 3½ hours on one night of the week (ABC on Tuesday, NBC on Sunday) provided they compensate by reductions on other nights; but it does not appear that a more general deviation of this sort should be permitted. It may appear that we are imposing a restriction on licensee flexibility to arrange schedules to maximum advantage and still comply with the objectives of the rule, but we do not so view this decision, in light of the considerations mentioned. Licensees still have considerable flexibility if they wish to carry prime network programs at other than their times of origination—cut back on the network's programs the same evening, or possibly present a network program in "fringe" time, which the network may accept as appropriate clearance. Also, in two of these four cases, those in Salt Lake City, the stations' problems might be minimized or eliminated under our ruling today that stations in the mountain zone may, if

[4] Chairman Burch abstaining from voting.

[1] The KUTV problem reflects the fact that the "Tonight" show on NBC appears partly during prime time in the mountain zone, though not elsewhere. The matter of what are "prime time" hours in the mountain zone is dealt with in another document adopted today; if KUTV wishes, it may avoid its problem by asking to have its hours redesignated, as discussed therein. KUTV's request was supported in a statement filed by NBC.

[2] KTHV also refers to the marginal character of Little Rock's inclusion in the "top 50" list, noting that it so appears in the March 1971 ARB listing for the first time at least in recent years, and is tied with Scranton-Wilkes-Barre (Pa.) for 50th position in that listing; and ranks lower in other indices such as retail sales.

they wish, redesignate 6 to 10 p.m. as "prime hours". On balance, therefore, we do not believe that the increased flexibility which might result from granting these waivers equals in importance the considerations of retaining prime time for nonnetwork material every evening.[3]

6. *Requests involving more than 21 hours weekly.* Two requests are somewhat different, since the licensees involved apparently do not intend to cut back any other prime-time network programing in order to match the excess requested. These are the requests of Storer Broadcasting Co. (Storer) concerning Station WJBK–TV, Detroit (CBS), and Triangle Broadcasting Corp. concerning WSJS–TV, Winston-Salem, N.C. (NBC). The Storer request concerns Sunday, and is that it be permitted to delay the new CBS news-public affairs program "News Hour", schedule on the network from 6 to 7 p.m., e.t., to 6:30–7:30. Thus, under the proposal, the second half-hour of this would fall within prime time as defined in the rule, and compliance would require noncarriage of another CBS half-hour that evening. Storer urges that the object is not to carry an extra half-hour of network programing, or subvert the rule, but simply to carry its local news at 6 p.m., as it has for a substantial period on Sundays and the other days of the week. It is asserted that carrying the local news at 5:30 or 7 would both disrupt established viewing patterns and mean local news at a time of less audience acceptance in the market. It is claimed that local stations should be able to control their schedules, and that if the "News Hour" should be later cut back to a half hour (as CBS Sunday news has been in the past), the local news could then be carried at 6 and the rule complied with; but stations should not have to change their programing continuously on such a basis. It is contended that grant of this waiver would be in accordance with the permission given NBC and ABC to permit them 3½ hours on Sunday and Tuesday nights, respectively, to maintain their existing schedules. The WSJS–TV request involves a larger deviation. It is based on the fact that the three network stations in the Greensboro-Winston-Salem-High Point market present their daily local and network news at different times, the ABC affiliate carrying local 5:30–6 and ABC 6–6:30, the CBS outlet carrying local at 6 and CBS at 6:30, and WSJS–TV local at 6:30 and NBC news at 7. It wishes to continue this practice, specifically "without any compensatory reduction of prime time network programing." WSJS–TV claims that this diversity of scheduling is in the public interest, and that the public interest would not be served by requiring what the station would probably do instead, carry NBC news at 6:30 (the same time as CBS news is presented) and local news at 7.[4]

7. These requests must be denied. In another action today, we are denying the request of CBS that it be permitted to move its Sunday hour-long news program back to 6:30, e.t., and the same principles apply here with respect to a particular waiver in Detroit. This is simply a network incursion into the prime time which must be vacated under the rule, which we believe should not be permitted. It would frustrate the chief purpose of the rule, opening up prime time to nonnetwork sources, a consideration outweighing in importance the matter of presenting local news at the same time on Sunday as on other days and at which it has been presented in the past. The same principle applies even more strongly in the case of WSJS–TV, whose request would amount to 2½ hours per week (or more) of prime time broadcasting in excess of the 21 weekly hours permitted under the rule. We do not regard the type of diversity urged—presenting local and network news at a different hour on the three network stations in the market—as equalling this consideration in importance. It may be that all that will result is an interchange of network and local news programs in the WSJS–TV schedule, which it predicts as the probable consequence; but we cannot be sure that this will be the only ensuing development. The result of denial of waiver here could be to open a whole hour for nonnetwork material, 7 to 8 p.m., 5 days a week. In our action of June 21, 1971, 30 FCC 2d 577, we granted a blanket waiver to stations which will present a full hour of local news at 6, followed by network news at 7; but we do not believe this exception to the general principle should be carried further. In that action, the impingement on prime time availability to nonnetwork sources was compensated by the in-depth coverage of local news and problems which an hour-long news show can provide; this would not result in the case of WSJS–TV, as far as we know.

8. *Temporary waiver for 2 weeks.* Therefore, all six of the individual requests discussed above are denied, insofar as they request a long-term waiver of the provisions of the rule. However, we recognize that there is an element of inconvenience, both to the station and to the public, from an extremely abrupt changeover, and that program schedules may have been publicized. Therefore we are herein granting waivers for a temporary period of 2 weeks, or through Saturday, October 23, 1971.

9. In view of the foregoing: *It is ordered,* That the requests for waiver of § 73.658(k), filed by Screen Gems Stations, Inc. (KCPX–TV) on August 30, 1971, KUTV, Inc. (KUTV) on July 28, 1971, Hubbard Broadcasting, Inc. (KSTP–TV) on August 19, 1971, Arkansas Television Co. (KTHV) on July 16, 1971, Storer Broadcasting Co. (WJBK–TV) on June 22, 1971, and Triangle Broadcasting Corp. on May 12, 1971, are denied, except as indicated in the next paragraph.

10. *It is further ordered,* That for the period to and including October 23, 1971, stations may present network programs during prime time, in excess of 3 hours per night, to the following extent: KCPX–TV, 30 minutes on Sundays; KUTV, 30 minutes on Thursdays; KSTP–TV, 30 minutes on Tuesdays; KHTV, 30 minutes on Wednesdays and 30 minutes on Sundays; WJBK–TV, 30 minutes from 7 to 7:30 Sundays; and WSJS–TV, 30 minutes of news daily at 7 p.m., e.t.

Adopted: October 6, 1971.

Released: October 12, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-15154 Filed 10-15-71;8:49 am]

[3] It is noted that the great majority of affiliated stations subject to the rule have not found the 3-hour daily limitation unduly restrictive, since they have not sought waiver.

[4] On Oct. 5, 1971, the Commission received a letter from the licensee of the Greensboro station (CBS), stating that, while it does not oppose the WSJS request, and is not now seeking its own waiver, it reserves the right to change its program schedule and if necessary assumes it would receive waiver to the same extent as WSJS–TV.

[5] Chairman Burch abstaining from voting; Commissioners Robert E. Lee and Wells dissenting except for the grant of temporary waivers.

FEDERAL POWER COMMISSION

[Docket No. RI72-109]

MOBIL OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

OCTOBER 7, 1971.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI72-109..	Mobil Oil Corp.....	473	13	Phillips Petroleum Co. (Vacuum Field, Lea County, N. Mex., Permian Basin).	$162,000	9-7-71	.....	3-8-72	20.0	26.0	.....

*The pressure base is 14.65 p.s.i.a.

The proposed increase of Mobil Oil Corp. is for a sale in an area outside Southern Louisiana and exceeds the corresponding rate filing limitations imposed in Southern Louisiana and therefore is suspended for 5 months.

Additionally, Mobil is advised that the acceptance for filing and suspension of the unilateral rate increase is subject to the resolution of the contractual issues in Docket Nos. CI71-821 and CI72-28 and the issues in Docket No. CI72-11.[1]

The supplement listed in this Appendix is effective as of the date provided in the "Date Suspended Until" column or such later date as may be authorized under Executive Order No. 11615. This order does not relieve Mobil of any responsibility imposed by, and is expressly subject to, the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), including such amendments as the Commission may require, and Executive Order No. 11615.

Mobil's proposed increased rate exceeds the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-15137 Filed 10-15-71;8:48 am]

[Docket No. RP72-45]

TEXAS GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

OCTOBER 8, 1971.

Take notice that Texas Gas Transmission Corp. (Texas Gas), on October 1, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2, designated to become effective on November 1, 1971, but which will not be made effective earlier than March 1, 1972, allowing for a 5-month suspension under section 4(e) of the Natural Gas Act. Article VIII of Texas Gas' Stipulation and Agreement, as amended, in Docket No. RP69-41 et al. provides that Texas Gas may not file a general rate increase which becomes effective, after statutory suspension, prior to March 1, 1972. The proposed rate changes would increase charges for jurisdictional sales and transportation services by $36,095,217 annually, based on volumes for the 12 months ended June 30, 1971, as adjusted. The proposed increase would be applicable to all of the rate schedules in Third Revised Volume No. 1 of Texas Gas' tariff and to Rate Schedules X-29 and X-32 of Original Volume No. 2 of the tariff. The filing includes a proposed Purchased Gas Adjustment Clause designed to reflect, in the billing to customers, the cost of purchased gas actually incurred by Texas Gas. Texas Gas requests waiver of § 154.38(d)(3) of its regulations to permit the tariff containing this clause to become effective.

Texas Gas states that the principal reasons for the proposed rate increase are: (1) Increases in cost of gas purchased as a result of purchase of new supplies of gas under new higher priced contracts, as well as increases in the cost of gas under existing contracts; (2) costs related to transportation of gas by others for the delivery of new offshore gas supplies; (3) advance payments related to purchase of potential supplies of gas; (4) an increase in depreciation rates; (5) salary and wage increases; and (6) a claimed rate of return of 9.25 percent which Texas Gas says is required to maintain financial stability and investor confidence.

Copies of the filing were served on Texas Gas' customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Any order issued in this proceeding is subject to the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order No. 11615, including such amendments as the Commission may require.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-15138 Filed 10-15-71;8:48 am]

[1] See Commission order issued September 24, 1971, in Mobil Oil Corp., Docket No. RI72-42.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. F-124]

CHAIRMAN, ATOMIC ENERGY COMMISSION

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Chairman, Atomic Energy Commission to represent the consumer interests of the executive agencies of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Chairman, Atomic Energy Commission to represent the consumer interests of the executive agencies of the Federal Government before the Florida Public Service Commission in a proceeding involving electric service rates of the Florida Power Corp.

b. The Chairman, Atomic Energy Commission may redelegate this authority to any officer, official, or employee of the Atomic Energy Commission.

c. This authority shall be exercised in accordance with the policies, procedures,

and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: October 8, 1971.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.71-15132 Filed 10-15-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2972]

INVESTORS SYNDICATE OF AMERICA, INC.

Notice of Filing of Application for Order Approving Amendment to Depository Agreement of Face-Amount Certificate Company

OCTOBER 12, 1971.

Notice is hereby given that Investors Syndicate of America, Inc., 800 Investors Building, Minneapolis, Minn. 55402 (Applicant), a face-amount certificate company registered under the Investment Company Act of 1940 (Act), has filed an application for an order pursuant to section 28(c) of the Act approving an amendment to a depository agreement which Applicant proposes to execute to cover a new series of face-amount certificates, to be designated Series SP 10. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Section 28(c) provides, to the extent relevant, that the Commission shall by order, in the public interest or for the protection of investors, require a registered face-amount certificate company to deposit and maintain, with a bank having specified qualification, all or any part of its investments required as certificate reserves under the provisions of section 28(b) of the Act.

On November 16, 1940, the Commission issued an order approving the depository agreement between Applicant and the Marquette National Banks which requires Applicant to deposit and maintain qualified assets at least equal to the certificate reserve requirements of section 28 of the Act (Investment Company Act Release No. 18) for certain outstanding certificates. Subsequently, from time to time, the Commission has issued orders granting applications for amendments to the initial agreement to include coverage of new series of securities proposed to be issued (Investment Company Act Release Nos. 792, 1895, 3105, 3552, 3751, and 4390). The amendment to the depository agreement, for which approval is now requested, concerns the deposit of assets to be maintained for the benefit of holders of new series.

Applicant agrees to file with the Commission on or before the 20th days of January, April, July, and October of each year a statement showing the values of assets on deposit to meet certificate liability requirements and the amount of such certificate liability requirements, such values and amount to be determined as of the last day of the preceding month and the market or fair values to be shown as well as the values determined in accordance with the provisions of the Code of the District of Columbia and the rules, regulations, and orders prescribed by the Commission.

Notice is further given that any interested person may, not later than November 4, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-15119 Filed 10-15-71;8:47 am]

TARIFF COMMISSION

[TEA-W-117]

GOODYEAR TIRE & RUBBER CO.

Workers' Petitions for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the production and maintenance workers of the Goodyear Tire & Rubber Co. plant at Windsor, Vt., the U.S. Tariff Commission, on the 12th day of October 1971, instituted an investigation under section 301(c)(2) of the said act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with the soling strips and sheets (of the types provided for in item 771.42 of the Tariff Schedules of the United States (TSUS), and soles and heels (of the types provided for in item 772.30 of the TSUS) produced by the aforementioned plant are being imported into the United States in such increased quantities as to cause, or to threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of the aforementioned plant.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: October 13, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-15123 Filed 10-15-71;8:47 am]

[TEA-W-118]

VULCAN CORP.

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962 filed on behalf of the workers of Vulcan Corp. Plant at Portsmouth, Ohio, the U.S. Tariff Commission on October 12, 1971, instituted an investigation under section 301(c)(2) of the said act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with heels for women's footwear (of the types provided for in items 207.00 and 772.30 of the Tariff Schedules of the United States) produced by the plant are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment, or underemployment of a significant number or proportion of the workers of such plant.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of

the Tariff Commission located in room 437 of the Customhouse.

Issued: October 13, 1971.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.71-15130 Filed 10-15-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

OCTOBER 12, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 30844 Sub 352, Kroblin Refrigerated Xpress, Inc., assigned November 29, 1971, in Room 1036A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 51146 Sub 201, Schneider Transport & Storage, Inc., assigned November 30, 1971, in Room 1036A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 51146 Sub 207, Schneider Transport & Storage, Inc., assigned December 1, 1971, in Room 1036A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 129678 Sub 1, Charlie D. Jordan, now assigned October 26, 1971, at Elizabeth City, N.C., is canceled and reassigned to November 1, 1971, in the Federal Court Room, U.S. Post Office Building, Elizabeth City, MO.

F.D. 26303, Mackinac Transporation Co., entire line abandonment between St. Ignace and Mackinaw City, Mich., continued to October 27, 1971, in Room 410, Michigan Public Service Commission, Seven Story Office Building, 525 West Ottawa Street, Lansing, MI.

MC F 11063, Sharpe Motor Lines, Inc.—Purchase (portion)—Tallant Transfer, Inc., assigned November 8, 1971, at Washington, D.C., is canceled and reassigned for hearing on November 8, 1971, at the Sheraton Motor Inn, 2838 South Elm Street at Interstate Highway 85, Greensboro, NC.

MC-F-11065, Arbet Truck Lines, Inc.—Purchase—Keech Transfer Co., Inc. (Leonard M. Spira—Trustee for Benefit of Creditors), assigned December 8, 1971, in Room 1036A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-F-11107, Roadway Express, Inc.—Purchase (portion)—Commercial Freight Lines, Inc., assigned December 6, 1971, in Room 1036A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

FF-252 Sub 2, Chi-Can Freight Forwarding, Ltd., assigned December 2, 1971, in Room 1036A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 135387, Harbor Transfer, Inc., now assigned for hearing on November 15, 1971, in the U.S. Customs Courtroom, Third Floor U.S. Courthouse, Second and Chestnut Street, Philadelphia, PA.

MC 107576 Sub 20, Silver Wheel Freightlines Inc. continued to November 8, 1971, at the Airtel Motel, Hearing Room A, 6221 Northeast 82d Avenue, Portland, OR.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-15144 Filed 10-15-71;8:49 am]

[Notice 377]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 7, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed origial and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Sub-No. 164 TA) (Correction), filed August 26, 1971, published FEDERAL REGISTER, September 9, 1971, corrected and republished in part as corrected this issue. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, 75207, Dallas, TX 75247. Applicant's representative: Jerry C. Prestridge, Post Office Box 1148, Austin, TX 78767. NOTE: The purpose of this partial republication is to reflect the movements as alternate Routes for Operating Convenience Only, which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 22254 (Sub-No. 61 TA), filed September 29, 1971. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, IL 60620. Applicant's representative: Anthony T. Thomas, 1811 West 21st Street, Chicago, IL 60608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles*, in vehicles when equipped with mechanical loading and unloading devices, from Milwaukee, Wis., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: P. J. Schumacher, Traffic Manager, Harley-Davidson Motor Co., Inc., 3700 West Juneau Avenue, Milwaukee, WI 53201. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 42261 (Sub-No. 112 TA), filed September 27, 1971. Applicant: LANGER TRANSPORT CORP., Route 1 and Foot of Danforth Avenue, Post Office Box 305, Jersey City, NJ 07303. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container parts and accessories*, used in connection with the distribution of metal containers and metal container ends when moving with metal containers, from Millis, Mass., to points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, New York, Delaware, New Jersey, Pennsylvania, Maryland, Virginia, Tennessee, Kentucky, and the District of Columbia, for 180 days. Supporting shipper: National Can Corp., 2200 East Adams Avenue, Philadelphia, PA 19124. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 111812 (Sub-No. 437 TA), filed September 29, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Wilson Terminal Building, Sioux Falls, SD 57101. Applicant's representative: R. H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, chocolate, chocolate coating, coating other than chocolate, cocoa, cocoa compounds, and chocolate syrup*, from Derry Township, Dauphin County, Pa., to Billings, Mont., for 180 days. Supporting shipper: Hershey Foods Corp., Hershey, Pa. 17033, G. R. Heckman, Jr., Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 369, Federal Building, Pierre, SD 57501.

No. MC 114011 (Sub-No. 4 TA), filed September 29, 1971. Applicant: PETER SADOWSKI, doing business as PETE'S SERVICE AND TRUCK RENTALS, 640 Century Avenue South, St. Paul, MN 55119. Applicant's representative: Samuel Rubenstein, 301 North Fourth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and beer*, from points in the Minneapolis-St. Paul, Minn., commercial zone to points in Wisconsin on and north of Wisconsin Highway 29, also points in the Upper Peninsula of Michigan: *empty containers* on return, for 180 days. Supporting shippers: Grain Belt Breweries, Inc., Minneapolis, Minn.; Jacob Schmidt Brewing Co., St. Paul, Minn. Send protests to:

District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No MC 118282 (Sub-No. 37 TA), filed September 27, 1971. Applicant: TRANSYSTEMS, INC., 6801 Northwest 74th Avenue, Mailing: Post Office Box 1030 Hialeah, 33011, Miami, FL 33166. Applicant's representative: Harold R. Marlane (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antennas, antenna accessories, audios, audio accessories; batteries, electronic components and accessories, intercoms, public address equipment, phonographs, phonograph accessories, radios, radio receivers, hobby kits, recording tape, tape recorders, tape accessories, test equipment, transceivers, tubes, musical instruments, timers and timing devices, tools and tools kits, lamps, books, and catalogs;* and (2) *office and store supplies, furnishings, fixtures and equipment, hardware cabinets, and uncrated furniture,* when moving in mixed loads with commodities named in (1) above, from Fort Worth, Tex., to Pensacola, Tallahassee, and Fort Walton Beach, Fla., Mobile, Ala., and Gulfport, Miss., restricted to the transportation of traffic originating at or destined to facilities of the Allied Radio Shack Division of the Tandy Corp. and its franchise stores, for 180 days. Supporting shipper: Allied Radio Shack, a Tandy Corp. company, Fort Worth, Tex. Send protests to: District Supervisor Joseph B. Teicher, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 123476 (Sub-No. 12 TA), filed September 29, 1971. Applicant: CURTIS TRANSPORT, INC., 1334 Lonedell Road, Arnold, MO 63010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, from Phillips Petroleum Co., Jefferson City, Mo., to points in Arkansas and Illinois, for 180 days. Supporting shipper: Empire Gas Corp., Post Office Box 303, Lebanon, MO 65536. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 129974 (Sub-No. 6 TA), filed September 27, 1971. Applicant: THOMPSON BROS., INC., Post Office Box 457, Toronto, SD 57268. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes*, in vehicles equipped with mechanical refrigeration, from Clark, S. Dak., to points in Arkansas, California, Connecticut, Georgia, Illinois, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, Virginia, Wisconsin, Indiana, and West Virginia, transportation to be performed for the account of Fairfield Products, Inc., Clark, S. Dak., for 180 days. Supporting shipper: Fairfield Products, Inc., Post Office Box 70, Clark, SD 57225, Charles A. Larkin, Jr., President. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 133240 (Sub-No. 25 TA), filed September 27, 1971. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, NJ 07306. Applicant's representative: George Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount or department stores in cartons excluding wearing apparel loose on hangers, between the facilities of Holly Stores, Inc., their divisions or subsidiaries located at Atlanta, Ga., on the one hand, and, on the other, points in Pensacola, Jacksonville, Daytona Beach, Orlando, Lauderhill, Tampa, Largo, Miami, Hileah, West Palm Beach, St. Petersburg, Bradento, Fern Park, Oakland Park, Hollywood, Fla., Los Angeles, San Bernardino, Rialto, Riverside, Orange, Santa Ana, Fullerton, Buena Park, Bellflower, Calif., Chicago, Ill., and its commercial zone and Denver, Colo., and its commercial zone; Lafayette, Lake Charles, Alexandria, and Monroe, La., Knoxville, Memphis, Chattanooga, East Ridge, Johnson City, Madison, Tenn., Huntsville, Homewood, Florence, Birmingham, and Mobile, Ala., for 180 days. Supporting shipper: Holly Stores, Inc., 7373 West Side Avenue, North Bergen, NJ 07047. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 133270 (Sub-No. 3 TA), filed September 29, 1971. Applicant: WESTERN MEAT TRANSPORT COMPANY, INC., 8101 Northeast 14th Place, Portland, OR 97211. Applicant's representative: Levi J. Smith, 400 Oregon National Building, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*; and *foodstuffs* when moving in mixed loads with the commodities described above; in vehicles equipped with mechanical refrigeration; between points in King, Pierce, Skagit, Whatcom, and Snohomish Counties, Wash., and Multnomah, Clackamas, and Washington Counties, Oreg., for 180 days. Supporting shippers: Geo. A. Hormel & Co., Post Office Box 800, Austin, MN 55912; Cudahy Co., 2203 Airport Way South, Post Office Box 3545, Seattle, WA 98124; Western Packing Co., 620 South Andover Street, Seattle, WA 98124. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 133436 (Sub-No. 11 TA), filed September 29, 1971. Applicant: DUDDEN ELEVATOR, INC., Post Office Box 60, Ogallala, NE 69153. Applicant's representative: Richard A. Dudden, 121 East Second Street, Ogallala, NE 69153. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, for the account of NII Metal Services, Corp., a division of National Industries, Inc., from Chicago, Ill., and its commercial zone to points in Colorado and Kansas, for 180 days. Supporting shipper: Mr. Bernard J. Senelick, Sales Manager, NII Metals Services, Div., National Industries, Inc., 1919 West 74th Street, Chicago, IL 60636. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building, Lincoln, Nebr. 68508.

No. MC 134145 (Sub-No. 11 TA), filed September 29, 1971. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 55118. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing and clothing accessories*, from Sioux Falls, S. Dak., to Thief River, Minn., for 180 days. Supporting shipper: Arctic Enterprises, Inc., Thief River Falls, Minn. 56701. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 134323 (Sub-No. 18 TA), filed September 29, 1971. Applicant: JAY LINES, INC., 6210 River Road, Post Office Box 1644, Amarillo, TX 79105. Applicant's representative: Jay Trammell (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, meat products, meat byproducts*, as described in section A of appendix 1 to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766, from the plantsite of Swift & Co., Clovis, N. Mex., to points in New York, New Jersey, Pennsylvania, Maryland, the District of Columbia, and Virginia, for 150 days. Supporting shipper: John K. Drake, Assistant General Manager, Transportation Department, Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, TX 79101.

No. MC 134599 (Sub-No. 27 TA) (Correction), filed September 13, 1971, published FEDERAL REGISTER September 28, 1971, corrected and republished in part as corrected this issue. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Salt Lake City, UT 84110, Office: 265

West 27th South 84115. NOTE: The purpose of this partial republication is to show the correct origin point as Thomson, Ga., in lieu of Thomason, Ga., shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 134631 (Sub-No. 10 TA), filed September 30, 1971. Applicant: SCHULTZ TRANSIT, INC., Post Office Box 503, 323 Bridge Street, Winona, MN 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radio, phonograph and stereo cabinets, record changer bases and speaker boxes*, with or without mechanisms, from Chetek, Wis., to Brooklyn, N.Y., and its commercial zone; Los Angeles, Calif., and its commercial zone; Batavia, N.Y., Smithfield, N.C., Indianapolis, Ind., and Sioux City, Iowa, for 180 days. Supporting shipper: ABC Chetek, Inc., Chetek, Wis. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135965 (Sub-No. 1 TA), filed September 27, 1971. Applicant: J. P. WIEST, doing business as WIEST TRUCKING, 1509 Western Park Village, Jamestown, ND 58401. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Duluth and Minneapolis, Minn., Chicago and Chicago Heights, Ill., East Chicago, Ind., and Kansas City, Mo., and their commercial zones, to Maddock, N. Dak., under continuing contract with Summers Manufacturing Co., Inc., for 180 days. Supporting shipper: Summers Manufacturing Co., Maddock, N. Dak. 58348. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 136023 TA, filed September 27, 1971. Applicant: N.C.W., INC., 989 Loper, Post Office Box 136, Prineville, OR 97754. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, 806 Southwest Broadway, Portland, OR 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood residuals*, from Wheeler and Morrow Counties, Oreg., to points in Walla Walla County, Wash., for the account of Heppner Lumber Co., and (2) *Wood residuals*, from Grant County, Oreg., to points in Walla Walla County, Wash., for the account of Blue Mountain Forest Products Co., for 180 days. Supporting shippers: Heppner Lumber Co., Post Office Box 453, Heppner, OR 97836; Blue Mountain Forest Products Co., Post Office Box 453, Heppner, OR 97836. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136036 TA, filed September 29, 1971. Applicant: PALMCASTER MOVING & STORAGE, 42358 North 10th Street, West, Lancaster, CA 93534. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Kern and Los Angeles Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shipper: Astron Forwarding Co., Post Office Box 161, Oakland, CA 94604. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 Los Angeles Street, Los Angeles, CA 90012.

No. MC 136037 TA, filed September 29, 1971. Applicant: LEUNING TRUCKING, INC., Route 1, Box 323, Zillah, WA 98953. Applicant's representative: Elwood Leuning (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden shakes and shingles*, from Amanda Park, Wash., to points in California, for 180 days. Supporting shipper: Quinalt Shingles & Lumber Co., Box 278 A–1, Amanda Park, WA 98526. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136038 TA, filed September 30, 1971. Applicant: ALASKA SEAVAN, INC., Post Office Box 88728, Tukwila Station, 18800 Southcenter Parkway, Seattle, WA 98168. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in King, Pierce, Snohomish, Skagit, and Whatcom Counties, Wash., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services, incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. NOTE: Applicant intends to interline Alaska traffic at the Port of Seattle. Supporting shippers: Alaska HHG Movers, Inc., 5053 East Marginal Way South, Seattle, WA 98134; Alaska Terminals, Inc., 18800 Southcenter Parkway, Seattle, WA 98168; Alaska Van and Storage Co., Inc., 18800 Southcenter Parkway, Seattle, WA 98168; H & S Warehouse, Inc., Post Office Box 227, Fairbanks, AK 99701; Mitchell Overseas Movers, Post Office Box 88728, Tukwila Station, Seattle, WA 98168. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 136039 TA, filed September 30, 1971. Applicant: JOHN ROPER, Holyoke, Minn. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products*, between Duluth, Minn., on the one hand, and Ashland, Wis., Ironwood and Bessemer, Mich., on the other; and (2) *empty dairy products cases*, from Ashland, Wis., Ironwood and Bessemer, Mich., to Duluth, Minn., for 180 days. Supporting shippers: Neal Bort Co. of Duluth, Minn.; Zinmaster Baking, Duluth, Minn.; American Bakeries, Duluth, Minn. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operation, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-15139 Filed 10-15-71;8:48 am]

[Notice 378]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 8, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107558 (Sub-No. 12 TA), filed September 30, 1971. Applicant: ARROW

TRANSPORTATION CO., INC., 485 Prospect Street, Pawtucket, Rhode Island 02860, Mailing: Post Office Box 6727, Providence, RI 02904. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Toilet preparations, and materials, supplies and equipment* used in the sale and distribution thereof, between Lakewood, N.J., on the one hand, and, on the other Providence and East Providence, R.I., for 180 days. SUPPORTING SHIPPER: Speidel . . . A Textron Company, 70 Ship Street, Providence, R. I. 02903 SEND PROTESTS TO: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminister Street, Providence, R.I. 02903.

No MC 107983 (Sub-No. 12 TA) (Correction), filed August 26, 1971, published FEDERAL REGISTER, issues September 9, 1971, and September 23, 1971, respectively, corrected and republished in part as corrected this issue. Applicant: COLDWAY EXPRESS, INC., Post Office Box 26, 1069 Johnson Street., Morton, IL 61550. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. NOTE: The purpose of this partial republication is to set forth the correct Sub-No. 12 TA, in lieu of Sub-No. 12, which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 111729 (Sub-No. 325 TA), filed September 30, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Cardiac pacemakers and related accessories,* (a) between Elmhurst, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Kentucky, and Wisconsin; St. Anthony, Fridley, and Minneapolis, Minn., (b) between Davenport, Iowa, on the one hand, and, on the other, points in Illinois, on and west of Illinois Route 47, and on and north of U.S. Highway 36; (2) *business papers, records, and audit and accounting media of all kinds,* (a) between Elmhurst, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Kentucky, and Wisconsin; St. Anthony, Fridley, and Minneapolis, Minn., (b) between Davenport, Iowa, on the one hand, and, on the other, points in Illinois, on and west of Illinois Route 47, and on and north of U.S. Highway 36; (c) between Holyoke, Mass., and New York, N.Y.; and (3) *proofs, cuts, copy, manuscripts, first copies of publication, advertising material, and matters pertaining thereto,* between Holyoke, Mass., and New York, N.Y., for 150 days. Supporting shippers: Erinco, Inc., 381 North York Street, Elmhurst, IL 60126; Holyoke Magazine Press, Inc., 1 Appleton Street, Holyoke, MA 01040. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, NY 10007.

No. MC 111812 (Sub-No. 439 TA), filed September 30, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Wilson Terminal Building, Sioux Falls, SD 57101. Applicant's representative: Ralph H. Jinks (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned blueberries,* from South Paris, Maine, to Hamilton and Toledo, Ohio; Buffalo, N.Y., Omaha, Nebr., and Lodi, Calif., for 180 days. Supporting shipper: A. L. Stewart & Sons, Cherryfield, Maine 04622, Robert K. Stewart, Vice-President. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 113635 (Sub-No. 2 TA), filed September 30, 1971. Applicant: S & S TRUCKING, INC., Alzada Star Route, Belle Fourche, S. Dak. 57717. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Ground lignite and/or ground leonardite,* from the American Colloid Plant approximately 5 miles east of Gascoyne, Bowman County, N. Dak., to Colony, Crook County, Wyo.; (2) *soda ash,* from FMC Plant near West Avco, Wyo., Sweetwater County, to Colony, Crook County, Wyo., and (3) *bulk bentonite,* between points within a 600-mile radius of Colony, Crook County, Wyo., for 180 days. Supporting shippers: Wyoming, Bentonite Operations, Baroid Division, NL Industries, Inc., Colony, Wyo.; Federal Bentonite Co., Colony, Wyo. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Room 1006 Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

No. MC 113828 (Sub-No. 196 TA), filed September 29, 1971. Applicant: O'BOYLE TANK LINES, INCORPORATED, Post Office Box 30006, Washington, DC 20014, Office: 5320 Marinelli Drive, Industrial Park, Rockville, MD 20852. Applicant's representative: Michael A. Grimm, Post Office Box 30006, Washington, DC 20014. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Soda ash,* in bulk, from Barberton, Ohio, Nitro, W. Va., South Heights, Pa., to Covington, Va., for 180 days. Supporting shipper: Westvaco, Covington, Va. 24426. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW, Washington, DC 20423.

No. MC 114273 (Sub-No. 105 TA), filed September 30, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue, SW., Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue, NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the plantsite and/or cold storage facilities utilized by Wilson-Sinclair Co., at Cedar Rapids, Iowa, to Lexington and Louisville, Ky., for 180 days. Supporting shipper: Wilson-Sinclair Co., Prudential Plaza, Chicago, Ill. 60601. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 116004 (Sub-No. 25 TA), filed September 29, 1971. Applicant: TEXAS-OKLAHOMA EXPRESS, INC., Post Office Box 743, Dallas, TX 75221, Office: 2222 East Grauwyler Road, Irving, 75060. Applicant's representative: Vernon Crenshaw, Post Office Box 743, Dallas, TX 75221. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Aluminum oxide,* from the plantsite of Jackson Machine Co. at or near Pauls Valley, Okla., to all points in Missouri, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Jackson Machine Co., Post Office Box 636, Pauls Valley, OK 73075. Send protests to: District Supervisor, E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 123640 (Sub-No. 6 TA) (Correction), filed August 26, 1971, published FEDERAL REGISTER, September 9, 1971, corrected and republished in part as corrected this issue. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Avenue, Fort Wayne, IN 46803. Applicant's representative: Joseph R. Higi, Jr. (same address as above). NOTE: The purpose of this partial republication is to add *Tennessee* as a destination State, which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 127527 (Sub-No. 8 TA), filed September 30, 1971. Applicant: CARL W. REAGAN, doing business as SOUTHEAST TRUCKING CO., 8418 County Highway 18, Rural Delivery No. 6, Ravenna, OH 44266. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Machinery and equipment, and attachments and parts therefor,* used in the manufacture of concrete pipe (1) between points in Delaware, the District of Columbia, Illinois, Iowa, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, on the one hand, and, on the other, the plantsite of United States Concrete Pipe Co. located at or near Magadore, in Summit and

Portage Counties, Ohio, Palmyra, Portage County, Ohio, Uhrichsville, Tuscarawas County, Ohio, New Town, Hamilton County, Ohio, Portage, Mich., Croydon, Bucks County, and Oakdale, Allegheny County, Pa., and Relay, Md., and (2) between the plantsites of United States Concrete Pipe Co. located at or near the plantsite points as set forth in (1) above, for 180 days. NOTE: Applicant proposes to conduct operations under the applied for authority under continuing contract with United States Concrete Pipe Co. Supporting shipper: United States Concrete Pipe Co., Cleveland, Ohio. Send protests to: District Supervisor Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 127527 (Sub-No. 9 TA), filed September 30, 1971. Applicant: CARL W. REAGAN, doing business as SOUTHEAST TRUCKING CO., 8418 County Highway 18, Rural Delivery No. 6, Ravenna, OH 44266. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reinforcing wire and reinforcing wire fabric*, (1) from points in Delaware, the District of Columbia, Illinois, Iowa, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, and West Virginia to the plantsites of United States Concrete Pipe Co. located at or near Magadore, in Summit and Portage Counties, Ohio, Palmyra, Portage County, Ohio, Uhrichsville, Tuscarawas County, Ohio, New Town, Hamilton County, Ohio, Portage, Mich., Croydon, Bucks County, and Oakdale, Allegheny County, Pa., and Relay, Md., and (2) between the plantsites of United States Concrete Pipe Co. located at or near the destination points as set forth in (1) above, for 180 days. NOTE: Applicant proposes to conduct operations under the applied for authority under continuing contract with United States Concrete Pipe Co. Supporting shipper: United States Concrete Pipe Co., Cleveland, Ohio. Send protests to: District Superivsor Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 128273 (Sub-No. 106 TA), filed September 30, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, 121 Humboldt Street, Fort Scott, KS 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Middletown, Ohio, to points in California, Minnesota, and Wisconsin, for 180 days. Supporting shipper: The Sorg Paper Co., 901 Manchester Avenue, Middletown, OH. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 134145 (Sub-No. 10 TA), filed September 24, 1971. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vehicle control cables, brake, and throttle*, from Wichita, Kans., to Thief River Falls, Minn., for 180 days. Supporting shipper: Arctic Enterprises, Inc., Thief River Falls, Minn. 56701. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 135007 (Sub-No. 6 TA) (Correction), filed September 10, 1971, published FEDERAL REGISTER September 23, 1971, corrected and republished in part as corrected this issue. Applicant: AMERICAN TRANSPORT, INC., Post Office Box 37406, Millard, NE 68137. Applicant's representative: Frederick J. Coffman, Post Office Box 80806, Lincoln, NE. NOTE: The purpose of this partial republication is to show applicant's representative correct address as Post Office Box 80806, Lincoln, NE, in lieu of Post Office Box 80806, Omaha, NE, shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 135641 (Sub-No. 3 TA), filed September 29, 1971. Applicant: M. B. CUTHBERTSON AND B. G. CUTHBERTSON, doing business as M. B. CUTHBERTSON AND SON, Rural Route 2, Box 37, Toledo, IA 52342. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precut and prefabricated homes, components and materials, equipment, and supplies*, from Toledo, Iowa to Austin, Minn., for 180 days. Supporting shipper: E. S. Homes, Springer Lumber Co., Springer Construction Co., Toledo, Iowa 52342. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Bulding, Des Moines, Iowa 50309.

No. MC 135826 TA, filed September 30, 1971. Applicant: LA MESA TRUCKING COMPANY, 472 East 22d Street, Paterson, NJ 07514. Applicant's representative: Thomas Lanier, 645 East 28th Street, Paterson, NJ 70504. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from Paterson, N.J., to points in Florida and return, for 180 days. Supporting shippers: Rodolfo Garcia, 59 Madison Avenue, Paterson, NJ 07514; and 9 others on file at Newark, N.J. field office. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135999 (Sub-No. 1 TA), filed September 30, 1971. Applicant: HARRY PATTERSON, doing business as PATTERSON TRUCK LINE, Box 192, Salisbury, MO 65281. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, heating and ventilating*, from the plantsite of SEMCO Manufacturing, Inc., at or near Salisbury, Mo., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: SEMCO Manufacturing, Inc., Post Office Box 203, Salisbury, MO 65281. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 136044 TA, filed September 30, 1971. Applicant: R. D. BULKA, INC., 597 Bridgewater Avenue, Somerville, NJ 08876. Applicant's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, NJ 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: 1. (a) *Waste etch liquid* in shipper-owned tank trailers, from Lancaster and Towanda, Pa., to New Brunswick, N.J., for the account of Engineering Chemical Services, Inc., of New Brunswick, N.J., and (b) *Ferric chloride*, in shipper-owned tank trailers, from New Brunswick, N.J., to Glendale (Queens County), days. Supporting shippers: Engineering Chemical Services, Inc., of New Brunswick, N.J.; and 2. *Steel wire-woven fencing, plastic coated, in rolls, steel fence posts and fittings*, used to install the same from Raritan, N.J., to points in Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, and Maryland for the account of Colorguard Corp. of Raritan, N.J., for 180 days. Supporting shippers: Engineering Chemical Services, Inc., 40 Fulton Street, New Brunswick, NJ 08902; Colorguard Corp., 1 Johnston Drive, Raritan, NJ. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

MOTOR CARRIER OF PASSENGERS

No. MC 96007 (Sub-No. 28 TA), filed September 27, 1971. Applicant: KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, 70 Union Street, Medford, MA 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and express* in the same vehicle with passengers, in special operations, between Logan International Airport at Boston, Mass., on the one hand, and, on the other, Merrimack, N.H., for 180 days. Supporting shipper: Anheuser-Busch, Inc., St. Louis, Mo. 63118. Send protests to: James F. Martin, Jr., Assistant Regional Director, Bureau of Operations, Interstate Commerce Commission, Room 2211B, John F. Kennedy Federal Building, Boston, Mass. 02203.

No. MC 136027 (Sub-No. 1 TA), filed September 30, 1971. Applicant: ATLANTIC CITY INTERSTATE TRANSPORTATION COMPANY, Maine and Caspian Avenues, Atlantic City, NJ 08401. Applicant's representative: Daniel DeBrier, 413 Guarantee Trust Building, Atlantic City, N.J. 08401. Authority sought to

operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, not more than eight in one vehicle, not including driver, between Federal Aviation Administration NAFEC facility at Pomona, N.J., on the one hand, and Camden, N.J., and Philadelphia, Pa., on the other, pursuant to contract with Federal Government (DOT–FAA), for 180 days. Supporting shipper: Department of Transportation, Federal Aviation Administration, NAFEC, Atlantic City, N.J. 08405. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–15140 Filed 10–15–71;8:48 am]

[Notice 764]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72894. By order of September 23, 1971, the Motor Carrier Board, on reconsideration, approved the transfer to Charlotte M. Roderick, doing business as A. G. Roderick Taxi & Trucking, Salem, Mass., of Certificate No. MC–94224 issued May 17, 1941 to Arthur Garfield Roderick, Jr., doing business as A. G. Roderick Taxi & Trucking, Salem, Mass., authorizing the transportation of: Household goods, as defined by the Commission, 17 MCC 467, between Salem, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and New York. Samuel E. Zoll, 256 Essex Street, Salem, MA 01970, attorney for applicants.

No. MC–FC–73048. By order of September 29, 1971, the Motor Carrier Board approved the transfer to Bud Shober, Kenneth Carter, and Keith Lancaster, a partnership, doing business as Powder River Trucking, Post Office Box 257, Broadus, MT 59317, of the operating rights in Certificate No. MC–105717 issued December 28, 1945, to Bud W. Rozell, Alzada, Mont. 59311, authorizing the transportation of livestock, livestock and poultry feed, seeds, agricultural commodities, wool, farm machinery and implements, building materials, fence and fencing materials, and petroleum products, in containers, between points in Montana and Wyoming within 25 miles of Alzada, Mont., except those on U.S. Highway 212, on the one hand, and, on the other, Belle Fourche, S. Dak.

No. MC–FC–73127. By order of September 29, 1971, the Motor Carrier Board approved the transfer to Carriers, Inc., a Michigan corporation, East Detroit, Mich., of Certificate No. MC–128295, issued October 27, 1966 to Carriers, Inc., a South Dakota corporation, Harper Woods, Mich., authorizing the transportation of: General commodities, with the usual exceptions, and various specified commodities, between points in Illinois, Indiana, and Michigan. William B. Elmer, 23801 Gratiot Avenue, East Detroit, MI 48021, attorney for applicants.

No. MC–FC–73183. By order of September 29, 1971, the Motor Carrier Board approved the transfer to Goggin Truck Line Co., Inc., Shelbyville, Tenn., of Certificate of Registration No. MC–121396 (Sub-No. 1), issued July 21, 1964, to Goggin Truck Line, Inc., Shelbyville, Tenn., evidencing a right to engage in transportation in interstate commerce as described in Certificates Nos. 117, 117–B, and 117–C, dated July 10, 1962, issued by the Tennessee Public Service Commission. A. O. Buck, 500 Court Square Building, Nashville, Tenn. 37201, and Ben Kingree III, First National Bank Building, Shelbyville, Tenn. 37160, attorneys for applicants.

No. MC–FC–73189. By order of September 29, 1971, the Motor Carrier Board approved the transfer to J. B. Moore Air Freight, Inc., Lynchburg, Va., of the operating rights in Certificates Nos. MC–129569 and MC–129569 (Sub-No. 1), issued August 28, 1968, and September 2, 1970, respectively, to J. B. Moore, Lynchburg, Va., authorizing the transportation of general commodities, with usual exceptions, (1) between Lynchburg, Va., on the one hand, and, on the other, Byrd Airport located at or near Sandston, Va., Dulles International Airport located at or near Chantilly, Va., and National Airport located at or near Arlington, Va., and (2) between Roanoke, Salem, Buena Vista, and Farmville, Va., and points in Roanoke, Montgomery, Floyd, Franklin, Rockbridge, Bedford, Botetourt, Craig, Campbell, Appomattox, and Amherst Counties, Va., on the one hand, and, on the other, Dulles International Airport, Chantilly, Va., National Airport, Arlington, Va., and Byrd Airport, Sandston, Va. Carlyle C. Ring, Jr., 710 Ring Building, 1200 18th Street NW., Washington, DC 20036, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–15141 Filed 10–15–71;8:48 am]

[Notice 765]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 13, 1971.

Synopses of orders entered pursuant to Section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72814. By order of September 29, 1971, the Motor Carrier Board, on reconsideration, approved the transfer to McCollister Moving & Storage, Inc., Logan and Mitchell Avenue, Post Office Box 9, Burlington, NJ 08016, of the operating rights in Certificate No. MC–109426 issued June 5, 1950, to Daniel H. McCollister, doing business as McCollister's Express, Logan and Mitchell Avenue, Post Office Box 9, Burlington, NJ 08016, authorizing the transportation of household goods, as defined by the Commission, between points and places in Camden, Burlington, Mercer, and Gloucester Counties, N.J., on the one hand, and, on the other, points and places in New York and Pennsylvania.

No. MC–FC–72907. By order of September 29, 1971, the Motor Carrier Board approved the transfer to Bajet Van Lines, Inc., doing business as Brown-North American, Wausau, Wis., of Certificate No. MC–82838, issued September 21, 1942, to George L. Cline, doing business as Northern Transfer Company, Wausau, Wis., authorizing the transportation of: Household goods, and new furniture, between Wausau, Wis., on the one hand, and on the other, points as specified in Illinois, Iowa, Michigan, Minnesota, and Ohio. Larry W. Rader, 107 Sixth Street, Wausau, WI 54401, attorney for transferee.

No. MC–FC–73088. By order of September 30, 1971, the Motor Carrier Board approved the transfer to Leonard Mickavicz, an individual, Taylor, Pa., of Certificate No. MC–47720, issued March 10, 1971, to Hubert Transfer & Storage Co., Inc., Pittsburgh, Pa., authorizing the transportation of: Household goods, office furniture and equipment, and store fixtures, between points in Pennsylvania, on the one hand, and, on the other, points in Ohio, New York, Michigan, New Jersey, and Maryland. Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219, attorney for applicants.

No. MC–FC–73106. By order of September 30, 1971, the Motor Carrier Board approved the transfer to Jerry C. Greenlee and D. James Wenino, doing business as Ecker Truck Service, Bourbon, Ind., of Certificates Nos. MC 32903 and MC 32903 (Sub-No. 3), issued to Faith E. Shearer, doing business as Ecker Truck Service, Bourbon, Ind., authorizing the transportation of: Agricultural implements, fertilizer, roofing, farm machinery, livestock, fencing, feed, feed ingredients, and tankage, between specified

points and areas in Indiana, Illinois, Ohio, and Michigan. Robert C. Smith, attorney, 711 Chamber of Commerce, Indianapolis, Ind. 46204.

No. MC-FC 73130. By order of September 30, 1971, the Motor Carrier Board approved the transfer to Scott Freight Service Corp., Fort Wayne, Ind., of certificates of public convenience and necessity Nos. MC-46267, MC-46267 (Sub-No. 4), MC-46267 (Sub-No. 6), MC-46267 (Sub-No. 7), and certificate of registration No. MC-46267 (Sub-No. 5), issued January 7, 1965, to Ralph A. Scott, doing business as Scott Freight Service, Fort Wayne, Ind., authorizing the transportation of general commodities, with the usual exceptions, and commodities generally, solely within the State of Indiana under both types of authority. Walter F. Jones, Jr., attorney, 601 Chamber of Commerce, Indianapolis, Ind. 46204.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-15142 Filed 10-15-71;8:48 am]

[Notice 765-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 13, 1971.

Application filed for temporary authority under section 210(a) (b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-73241. By application filed October 8, 1971, DuBOIS TRUCKING, INC., Post Office Box 502, Montpelier, VT 05602, seeks temporary authority to lease the operating rights of ROBERT F. DuBOIS, doing business as DuBOIS TRUCKING, Post Office Box 502, Montpelier, VT 05602, under section 210a(b). The transfer to DuBOIS TRUCKING, INC., of the operating rights of ROBERT F. DuBOIS, doing business as DuBOIS TRUCKING, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-15143 Filed 10-15-71;8:48 am]

COST OF LIVING COUNCIL

[Order No. 3]

PAY BOARD

Delegation of Authority Concerning Stabilization of Wages and Salaries

Pursuant to the authority vested in the Council by section 4 of Executive Order No. 11627 (hereinafter referred to as the Executive order), it is hereby ordered as follows:

1. (a) There is delegated to the Pay Board (established by section 7 of the Executive order) acting through its Chairman, responsibility for implementing, administering, monitoring, and providing for the enforcement of the stabilization of wages and salaries in conformity with the Executive order.

(b) More particularly, the Pay Board, acting through its Chairman, shall establish criteria, standards, and implementation procedures designed to stabilize wages and salaries within the general economic stabilization goals and coverage determination developed by the Council. Such procedures shall include, but not be limited to, those necessary to—

(1) Decide individual cases brought to its attention (including requests for exceptions);

(2) Recommend to the Department of Justice enforcement action designated to assure compliance;

(3) Maintain liaison to insure consistency between the Pay Board and the Price Commission and other organizational units of the economic stabilization program; and

(4) Maintain liaison with and augment the efforts of the Federal Mediation and Conciliation Service by providing such mediation efforts as might be necessary to obtain the voluntary compliance of parties to labor disputes with actions of the Board.

2. There is hereby delegated to the Chairman of the Pay Board such authority vested in the Council by section 4(a), 5, and 15 of the Executive order as is necessary to perform the functions specified in section 1.

3. All executive departments and agencies shall provide such necessary assistance to the Chairman as may be permitted by law.

(4) Maintain liaison with and aug- any agency, instrumentality, or official of the United States any authority under this Executive order, and may, in carrying out the functions delegated to it by this Executive order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

5. This order shall be effective upon the appointment and entry on duty of the Chairman of the Pay Board.

By direction of the Council.

JOHN B. CONNALLY,
Chairman.

OCTOBER 15, 1971.

[FR Doc.71-15256 Filed 10-15-71;1:54 pm]

[Order No. 4]

PRICE COMMISSION

Delegation of Authority Concerning Stabilization of Prices and Rents

Pursuant to the authority vested in the Council by section 4 of Executive Order No. 11627 (hereinafter referred to as the Executive order), it is hereby ordered as follows:

1. (a) There is delegated to the Price Commission (established by section 8 of the Executive order) acting through its Chairman, responsibility for implementing, administering, monitoring, and providing for the enforcement of the stabilization of prices and rents in conformity with the Executive order.

(b) More particularly, the Price Commission, acting through its Chairman, shall establish criteria, standards, and implementation procedures designed to stabilize prices and rents within the general economic stabilization goals and coverage determinations developed by the Council. Such procedures shall include, but not be limited to, those necessary to—

(1) Decide individual cases brought to its attention (including requests for exceptions);

(2) Recommend to the Department of Justice enforcement action designed to assure compliance;

(3) Maintain liaison to insure consistency between the Pay Board and the Price Commission and other organizational units of the economic stabilization program; and

(4) Maintain liaison with and augment the efforts of the Federal Mediation and Conciliation Service by providing such mediation efforts as might be necessary to obtain the voluntary compliance of parties to labor disputes with actions of the Board.

2. There is hereby delegated to the Chairman of the Price Commission such authority vested in the Council by sections 4(a), 5, and 15 of the Executive order as is necessary to perform the functions specified in section 1.

3. All executive departments and agencies shall provide such necessary assistance to the Chairman as may be permitted by law.

4. The Chairman may redelegate to any agency, instrumentality, or official of the United States any authority under this Executive order, and may, in carrying out the functions delegated to it by this Executive order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

5. This order shall be effective upon the appointment and entry on duty of the Chairman of the Price Commission.

By direction of the Council.

JOHN B. CONNALLY,
Chairman.

OCTOBER 15, 1971.

[FR Doc.71-15257 Filed 10-15-71;1:54 p.m.]

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